

Prior section 1686, added Pub. L. 93-508, title III, §302(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97-35, title XX, §2005(b), Aug. 13, 1981, 95 Stat. 783, related to educational loans to any eligible veteran to whom section 1662(a)(2) of this title applied, prior to repeal by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1686, which related to approval of courses, was renumbered section 1683.

Another prior section 1686, which related to discontinuance of educational assistance allowance by Administrator, was renumbered section 1687 and subsequently repealed by Pub. L. 92-540, title IV, §401(6), Oct. 24, 1972, 86 Stat. 1090.

Prior section 1687, added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1686; renumbered §1687, Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186, related to discontinuance of educational assistance allowance by Administrator, prior to repeal by Pub. L. 92-540, title IV, §401(6), Oct. 24, 1972, 86 Stat. 1090. See section 3690(b) of this title.

Prior sections 1695 to 1698 were repealed, effective Oct. 1, 1980, by Pub. L. 96-466, title VI, §601(a)(1), title VIII, §802(f), Oct. 17, 1980, 94 Stat. 2208, 2218.

Section 1695, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80, set forth purpose of former subchapter VI relating to a predischARGE education program and defined "eligible person" for purposes of subchapter VI of chapter 34.

Section 1696, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80; amended Pub. L. 92-540, title I, §102(5), title III, §307, Oct. 24, 1972, 86 Stat. 1075, 1081; Pub. L. 93-508, title I, §102(5), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, §203(c), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title II, §§201(4), 210(5), 211(13), Oct. 15, 1976, 90 Stat. 2385, 2388, 2389; Pub. L. 95-202, title I, §102(6), Nov. 23, 1977, 91 Stat. 1434, related to payment of an educational assistance allowance.

Section 1697, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 81, related to educational and vocational guidance.

Section 1698, added Pub. L. 92-540, title III, §308, Oct. 24, 1972, 86 Stat. 1082, §1697A; renumbered §1698 and amended Pub. L. 94-502, title II, §§210(3), 211(14), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95-202, title III, §302(b), Nov. 23, 1977, 91 Stat. 1441, related to coordination with and participation by Department of Defense in carrying out functions and duties of Department of Defense under predischARGE education program.

Prior section 1700, which comprised the first section of chapter 35, was renumbered section 3500 of this title.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-161 substituted "\$400" for "\$200".

1991—Pub. L. 102-83, §5(a), renumbered section 562 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1561" for "561" and "1560" for "560".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

1978—Subsec. (a). Pub. L. 95-479 increased from \$100 to \$200 the special pension.

1975—Subsec. (a). Pub. L. 94-169, §106(44), substituted "delivered to the Administrator" for "delivered to him".

Subsecs. (b), (d). Pub. L. 94-169, §106(45), substituted "such person" for "he".

1963—Subsec. (a). Pub. L. 88-77 inserted references to the Coast Guard.

1961—Subsec. (a). Pub. L. 87-138 inserted "and a copy of whose certificate has been delivered to him under subsection (c) of section 561 of this title," after "Medal of Honor roll", and increased pension from \$10 to \$100.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1(b) of Pub. L. 103-161 provided that: "The amendment made by subsection (a) [amending this sec-

tion] shall apply with respect to months beginning after the date of the enactment of this Act [Nov. 30, 1993]."

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-479 effective Jan. 1, 1979, see section 401(b) of Pub. L. 95-479, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 106 of Pub. L. 94-169 provided that the amendment made by that section is effective Jan. 1, 1976.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1560, 1561 of this title; title 26 sections 137, 6334.

CHAPTER 17—HOSPITAL, NURSING HOME, DOMICILIARY, AND MEDICAL CARE

SUBCHAPTER I—GENERAL

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| Sec. | Definitions. |
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| 1710. | Eligibility for hospital, nursing home, and domiciliary care. |
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| 1713. | Medical care for survivors and dependents of certain veterans. |
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| 1719. | Repair or replacement of certain prosthetic and other appliances. |
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SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

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| 1721. | Power to make rules and regulations. |
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| 1722A. | Copayment for medications. |
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| 1726. | Reimbursement for loss of personal effects by natural disaster. |
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SUBCHAPTER IV—HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES

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| 1731. | Assistance to the Republic of the Philippines. |
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- Sec.
 1732. Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center.
 1733. Supervision of program by the President.
 1734. Hospital and nursing home care and medical services in the United States.
 1735. Definitions.

SUBCHAPTER V—PAYMENTS TO STATE HOMES

1741. Criteria for payment.
 1742. Inspections of such homes; restrictions on beneficiaries.
 1743. Applications.

SUBCHAPTER VI—SICKLE CELL ANEMIA

1751. Screening, counseling, and medical treatment.
 1752. Research.
 1753. Voluntary participation; confidentiality.
 1754. Reports.

[SUBCHAPTER VII—REPEALED]

[1761 to 1764. Repealed.]

AMENDMENTS

1994—Pub. L. 103-452, title I, §101(f)(2)(B), Nov. 2, 1994, 108 Stat. 4784, substituted “and treatment” for “to women veterans” in item 1720D.

1992—Pub. L. 102-585, title I, §102(a)(2), title V, §§512(b), 514(b), Nov. 4, 1992, 106 Stat. 4946, 4958, added items 1704 and 1720D and struck out subchapter VII heading “PREVENTIVE HEALTH-CARE SERVICES PILOT PROGRAM” and items 1761 “Purpose”, 1762 “Definition”, 1763 “Preventive health-care services”, and 1764 “Reports”.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 601 to 664 as 1701 to 1764, respectively.

Pub. L. 102-83, §4(a)(5), Aug. 6, 1991, 105 Stat. 404, substituted “non-Department” for “non-Veterans’ Administration” in item 603.

1990—Pub. L. 101-508, title VIII, §8012(a)(2), Nov. 5, 1990, 104 Stat. 1388-345, added item 622A.

Pub. L. 101-366, title II, §201(a)(2), Aug. 15, 1990, 104 Stat. 438, added item 620C.

1988—Pub. L. 100-322, title I, §§101(h)(2), 115(g)(2), May 20, 1988, 102 Stat. 492, 502, substituted “Eligibility for outpatient services” for “Eligibility for medical treatment” in item 612, substituted “Home health services; invalid” for “Invalid” in item 617, and struck out item 620C “Community based psychiatric residential treatment for chronically mentally ill veterans”.

1987—Pub. L. 100-6, §2(b), Feb. 12, 1987, 101 Stat. 94, added item 620C.

1986—Pub. L. 99-576, title II, §201(a)(2), 100 Stat. 3254, added item 620B.

Pub. L. 99-272, title XIX, §§19011(c)(2), 19012(b)(2), Apr. 7, 1986, 100 Stat. 378, 382, added item 603, and substituted “Determination” for “Evidence” and inserted “; income thresholds” in item 622.

1985—Pub. L. 99-166, title I, §§101(b)(2), 107(b), Dec. 3, 1985, 99 Stat. 943, 946, added item 612B and struck out “; pilot program” after “disabilities” in item 620A.

1983—Pub. L. 98-160, title I, §§103(a)(3), 104(b), Nov. 21, 1983, 97 Stat. 996, 998, inserted “; adult day health care” in item 620 and added item 630.

1982—Pub. L. 97-295, §4(15), Oct. 12, 1982, 96 Stat. 1306, substituted “Hospital care, medical services, and nursing home care abroad” for “Hospital care and medical services abroad” in item 624.

1981—Pub. L. 97-72, title I, §§106(a)(2), 107(c)(2), (d)(2), Nov. 3, 1981, 95 Stat. 1051, 1052, 1053, added item 629, substituted “HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES” for “HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS” in item relating to subchapter IV, and substituted “Contracts and grants to provide for the care and treatment of United States veterans by the

Veterans Memorial Medical Center” for “Contracts and grants to provide hospital care, medical services and nursing home care” in item 632.

1980—Pub. L. 96-330, title IV, §401(b), Aug. 26, 1980, 94 Stat. 1051, substituted “Evidence of inability to defray necessary expenses” for “Statement under oath” in item 622.

1979—Pub. L. 96-22, title I, §§103(a)(2), 104(b), 105(b), 106(b), June 13, 1979, 93 Stat. 50, 51, 53, added items 612A, 620A, 634, and 661 to 664 and redesignated former item 634 as 635.

1977—Pub. L. 95-62, §4(b), July 5, 1977, 91 Stat. 263, struck out item 644 “Authorization of appropriations”.

1976—Pub. L. 94-581, title II, §§202(a), 203(b), Oct. 21, 1976, 90 Stat. 2855, 2856, inserted “NURSING HOME,” in chapter heading, and, in analysis of subchapter headings and section catchlines, inserted “, NURSING HOME” in item for subchapter II, inserted “, nursing home” in item 610, substituted “Care” for “Hospitalization” in item 611, and inserted “AND NURSING HOME” in item for subchapter III.

1973—Pub. L. 93-82, title I, §§103(c), 106(b), 107(b), 109(b), Aug. 2, 1973, 87 Stat. 182, 184, 186, 187, substituted “Medical care for survivors and dependents of certain veterans” and “Fitting and training in use of prosthetic appliances; seeing-eye dogs” for “Fitting and training in use of prosthetic appliances” and “Seeing-eye dogs” in items 613 and 614 respectively, substituted “natural disaster” for “fire” in item 626, added item 628, substituted “Assistance to the Republic of the Philippines” and “Contracts and grants to provide hospital care, medical services and nursing home care” for “Grants to the Republic of the Philippines” and “Modification of agreement with the Republic of the Philippines effectuating the Act of July 1, 1948” in items 631 and 632, respectively, and added “SUBCHAPTER VI—SICKLE CELL ANEMIA” comprising items 651 to 654.

Pub. L. 93-43, §4(c)(2), June 18, 1973, 87 Stat. 79, struck out item 625 “Arrests for crimes in hospitals and domiciliary reservations”.

1969—Pub. L. 91-178, §2(b), Dec. 30, 1969, 83 Stat. 837, added item 644.

1968—Pub. L. 90-493, §3(b), Aug. 19, 1968, 82 Stat. 809, substituted “Invalid lifts and other devices” for “Invalid lifts and other devices for pensioners” in item 617.

1964—Pub. L. 88-450, §§2(b), 6(b), Aug. 19, 1964, 78 Stat. 500, 504, inserted “and other devices” in item 617 and added item 620.

1962—Pub. L. 87-850, §1(b), Oct. 23, 1962, 76 Stat. 1126, added item 619.

Pub. L. 87-574, §2(2), Aug. 6, 1962, 76 Stat. 308, added item 618.

1959—Pub. L. 86-211, §7(b), Aug. 29, 1959, 73 Stat. 436, added item 617.

CROSS REFERENCES

Third party tort liability to United States for hospital and medical care, except for treatment of veterans under this chapter, see section 2651 et seq. of Title 42, The Public Health and Welfare.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 106, 111, 521, 3104, 3115, 3485, 3903, 5315, 5503, 7333, 8110, 8153 of this title; title 31 section 3803; title 42 section 2651.

SUBCHAPTER I—GENERAL

§ 1701. Definitions

For the purposes of this chapter—

(1) The term “disability” means a disease, injury, or other physical or mental defect.

(2) The term “veteran of any war” includes any veteran awarded the Medal of Honor.

(3) The term “facilities of the Department” means—

(A) facilities over which the Secretary has direct jurisdiction;

(B) Government facilities for which the Secretary contracts; and

(C) public or private facilities at which the Secretary provides recreational activities for patients receiving care under section 1710 of this title.

(4) The term "non-Department facilities" means facilities other than Department facilities.

(5) The term "hospital care" includes—

(A)(i) medical services rendered in the course of the hospitalization of any veteran, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title;

(B) such mental health services, consultation, professional counseling, and training for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title; and

(C)(i) medical services rendered in the course of the hospitalization of a dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title, and (ii) travel and incidental expenses for such dependent or survivor under the terms and conditions set forth in section 111 of this title.

(6) The term "medical services" includes, in addition to medical examination, treatment, and rehabilitative services—

(A)(i) surgical services, dental services and appliances as described in sections 1710 and 1712 of this title, optometric and podiatric services, (in the case of a person otherwise receiving care or services under this chapter) preventive health services, and (except under the conditions described in section 1712(a)(5)(A) of this title), wheelchairs, artificial limbs, trusses, and similar appliances, special clothing made necessary by the wearing of prosthetic appliances, and such other supplies or services as the Secretary determines to be reasonable and necessary, and (ii) travel and incidental expenses pursuant to the provisions of section 111 of this title; and

(B)(i) such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

(I) of the service-connected disability of a veteran pursuant to section 1712(a) of this title, and

(II) in the discretion of the Secretary, of the non-service-connected disability of a veteran eligible for treatment under section 1712(a)(5)(B) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital,

for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the ef-

fective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title); and

(ii) in the case of an individual who was a recipient of services under subclause (i) of this clause at the time of—

(I) the unexpected death of the veteran; or

(II) the death of the veteran while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary,

such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist such individual with the emotional and psychological stress accompanying the veteran's death.

For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 1713(b) of this title shall be eligible for the same medical services as a veteran.

(7) The term "domiciliary care" includes necessary medical services and travel and incidental expenses pursuant to the provisions of section 111 of this title.

(8) The term "rehabilitative services" means such professional, counseling, and guidance services and treatment programs (other than those types of vocational rehabilitation services provided under chapter 31 of this title) as are necessary to restore, to the maximum extent possible, the physical, mental, and psychological functioning of an ill or disabled person.

(9) The term "preventive health services" means—

(A) periodic medical and dental examinations;

(B) patient health education (including nutrition education);

(C) maintenance of drug use profiles, patient drug monitoring, and drug utilization education;

(D) mental health preventive services;

(E) substance abuse prevention measures;

(F) immunizations against infectious disease;

(G) prevention of musculoskeletal deformity or other gradually developing disabilities of a metabolic or degenerative nature;

(H) genetic counseling concerning inheritance of genetically determined diseases;

(I) routine vision testing and eye care services;

(J) periodic reexamination of members of likely target populations (high-risk groups) for selected diseases and for functional decline of sensory organs, together with attendant appropriate remedial intervention; and

(K) such other health-care services as the Secretary may determine to be necessary to provide effective and economical preventive health care.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1141, §601; Pub. L. 86-598, July 7, 1960, 74 Stat. 335; Pub. L.

86-639, §2, July 12, 1960, 74 Stat. 472; Pub. L. 88-481, Aug. 22, 1964, 78 Stat. 593; Pub. L. 90-612, §2, Oct. 21, 1968, 82 Stat. 1202; Pub. L. 93-82, title I, §101, Aug. 2, 1973, 87 Stat. 179; Pub. L. 94-581, title I, §102, title II, §202(b), Oct. 21, 1976, 90 Stat. 2843, 2855; Pub. L. 95-520, §5, Oct. 26, 1978, 92 Stat. 1820; Pub. L. 96-22, title I, §102(c), title II, §201(a), June 13, 1979, 93 Stat. 48, 54; Pub. L. 96-151, title II, §§201(b), 202, Dec. 20, 1979, 93 Stat. 1093, 1094; Pub. L. 97-72, title I, §101, Nov. 3, 1981, 95 Stat. 1047; Pub. L. 97-251, §4, Sept. 8, 1982, 96 Stat. 716; Pub. L. 98-105, Sept. 30, 1983, 97 Stat. 730; Pub. L. 98-160, title I, §106(a), Nov. 21, 1983, 97 Stat. 998; Pub. L. 98-528, title I, §103(a), Oct. 19, 1984, 98 Stat. 2688; Pub. L. 99-108, §2, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99-166, title I, §102(a), Dec. 3, 1985, 99 Stat. 943; Pub. L. 99-272, title XIX, §§19011(d)(2), 19012(a), Apr. 7, 1986, 100 Stat. 378, 380; Pub. L. 99-576, title II, §203, Oct. 28, 1986, 100 Stat. 3255; Pub. L. 100-322, title I, §131, May 20, 1988, 102 Stat. 506; Pub. L. 102-54, §14(b)(8), June 13, 1991, 105 Stat. 283; renumbered §1701 and amended Pub. L. 102-83, §§4(a)(2)(E), (3)-(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title V, §513, Nov. 4, 1992, 106 Stat. 4958; Pub. L. 103-446, title XII, §1202(b)(1), Nov. 2, 1994, 108 Stat. 4689.)

CODIFICATION

The text of section 1762 of this title, which was transferred to the end of this section, redesignated as par. (9), and amended by Pub. L. 102-585, was based on Pub. L. 96-22, title I, §105(a), June 13, 1979, 93 Stat. 52, §662; renumbered §1762 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.

PRIOR PROVISIONS

Prior sections 1700 and 1701 were renumbered sections 3500 and 3501 of this title, respectively.

AMENDMENTS

1994—Par. (3). Pub. L. 103-446 made technical correction to directory language of Pub. L. 102-83, §4(a)(2)(E). See 1991 Amendment note below.

1992—Par. (6)(A)(i). Pub. L. 102-585, §513(b), substituted “preventive health services,” for “preventive health-care services as defined in section 1762 of this title.”

Par. (9). Pub. L. 102-585, §513(a), transferred the text of section 1762 of this title to the end of this section and redesignated it as par. (9), substituted “The term ‘preventive health service’ means” for “For the purposes of this subchapter, the term ‘preventive health-care services’ means”, and redesignated pars. (1) to (11) as subpars. (A) to (K), respectively. See Codification note above.

1991—Pub. L. 102-83, §5(a), renumbered section 601 of this title as this section.

Par. (2). Pub. L. 102-54, §14(b)(8)(A), struck out “any veteran of the Indian Wars, or” after “includes”.

Par. (3). Pub. L. 102-83, §5(c)(1), substituted “1710” for “610” in subpar. (C).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in subpars. (A) to (C).

Pub. L. 102-83, §4(a)(2)(E), as amended by Pub. L. 103-446, substituted “facilities of the Department” for “Veterans’ Administration facilities”.

Pub. L. 102-54, §14(b)(8)(B), (C), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “The term ‘period of war’ includes each of the Indian Wars.”

Par. (4). Pub. L. 102-83, §4(a)(5), substituted “non-Department” for “non-Veterans’ Administration”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Pub. L. 102-54, §14(b)(8)(E), redesignated par. (9) as (4).

Par. (5). Pub. L. 102-83, §5(c)(1), substituted “1713(b)” for “613(b)” in subpars. (B) and (C)(i).

Par. (6). Pub. L. 102-83, §5(c)(1), in subpar. (A) substituted “1710 and 1712” for “610 and 612”, “1762” for “662”, and “1712(a)(5)(A)” for “612(a)(5)(A)”, in subpar. (B) substituted “1712(a)” for “612(a)”, “1712(a)(5)(B)” for “612(a)(5)(B)”, and “1713(b)” for “613(b)”, and in last sentence substituted “1713(b)” for “613(b)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102-54, §14(b)(8)(D), substituted “612(a)(5)(A)” for “612(f)(1)(A)(i)” in subpar. (A)(i) and “612(a)(5)(B)” for “612(f)(1)(A)(ii)” in subpar. (B)(i)(II).

Par. (9). Pub. L. 102-54, §14(b)(8)(E), redesignated par. (9) as (4).

1988—Par. (4)(C). Pub. L. 100-322 added subpar. (C).

1986—Par. (4). Pub. L. 99-272, §19012(a)(1), struck out cl. (C) and provision following such clause, both relating to private facilities under contract as Veterans’ Administration facilities.

Par. (6)(A)(i). Pub. L. 99-272, §19011(d)(2)(A), substituted “section 612(f)(1)(A)(i)” for “section 612(f)(1)(A)”.

Par. (6)(B). Pub. L. 99-576 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment—

“(i) of the service-connected disability of a veteran pursuant to section 612(a) of this title, and

“(ii) in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612(f)(1)(A)(ii) of this title where such services were initiated during the veteran’s hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital, for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran (including, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of such family member or individual in the case of a veteran who is receiving care for a service-connected disability, or in the case of dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title). For the purposes of this paragraph, a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title shall be eligible for the same medical services as a veteran.”

Par. (6)(B)(ii). Pub. L. 99-272, §19011(d)(2)(B), substituted “section 612(f)(1)(A)(ii)” for “section 612(f)(1)(B)”.

Par. (9). Pub. L. 99-272, §19012(a)(2), added par. (9).

1985—Par. (4)(C)(v). Pub. L. 99-166, §102(a), substituted “with respect to the Commonwealth of Puerto Rico shall expire on September 30, 1988” for “(except with respect to Alaska and Hawaii) shall expire on October 31, 1985” and struck out “and to the Virgin Islands” before “of the restrictions in this subclause”.

Pub. L. 99-108 substituted “October 31, 1985” for “September 30, 1985”.

1984—Par. (4)(C)(v). Pub. L. 98-528 substituted “September 30, 1985” for “September 30, 1984”.

1983—Par. (4)(C)(v). Pub. L. 98-105 substituted “September 30, 1984” for “September 30, 1983”.

Par. (6)(a)(i). Pub. L. 98-160 inserted “(in the case of a person otherwise receiving care or services under this chapter) preventive health-care services as defined in section 662 of this title.”

1982—Par. (4)(C)(v). Pub. L. 97-251 substituted “September 30, 1983” for “September 30, 1982”.

1981—Par. (4)(C)(v). Pub. L. 97-72 substituted “September 30, 1982” for “December 31, 1981”.

1979—Par. (4). Pub. L. 96-22, §§102(c)(1), 201(a), substituted “medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of the first sentence, or the third sentence, of section

612(f) of this title or of a veteran described in section 612(g) of this title if the Administrator has determined, based on an examination by a physician employed by the Veterans' Administration (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in facilities described in clauses (A) and (B) of this paragraph" for "medical services for the treatment of any disability of a veteran described in clause (1)(B) or (2) of section 612(f) of this title" in subcl. (ii) of cl. (C), and added subcl. (vi) of cl. (C) and the provisions following cl. (C) relating to the periodic review of the necessity for continuing contractual arrangements in the case of veterans receiving contract care.

Par. (4)(C)(iii). Pub. L. 96-151, §202, inserted provisions respecting safe transfer of the veteran, and substituted "medical services in" for "hospital care in".

Par. (5)(A). Pub. L. 96-151, §201(b)(1), substituted "travel" for "transportation".

Par. (5)(C). Pub. L. 96-151, §201(b)(2), substituted provisions relating to travel and incidental expenses for provisions relating to transportation and incidental expenses.

Par. (6)(A)(i). Pub. L. 96-22, §102(c)(2), substituted "described in sections 610 and 612 of this title" for "authorized in sections 612 (b), (c), (d), and (e) of this title".

Par. (6)(B). Pub. L. 96-151, §201(b)(3), substituted "travel and incidental expenses" for "necessary expenses of travel and subsistence".

1978—Par. (4)(C)(v). Pub. L. 95-520 defined "Veterans' Administration facilities" to include certain private facilities to provide medical services to obviate the need for hospital admission, deleted reference to hospital care for veterans in a territory, Commonwealth, or possession of the United States not contiguous to the forty-eight contiguous States, substituted provision requiring the annually determined hospital patient load and incidence of the provision of medical services to veterans hospitalized or treated at expense of Veterans' Administration in Government and private facilities in each noncontiguous State to be consistent with patient load or incidence of the provision of medical services for veterans hospitalized or treated by the Veterans' Administration within the forty-eight contiguous States for prior requirement that the annually determined average hospital patient load per thousand veteran population hospitalized at Veterans' Administration expense in Government and private facilities in each noncontiguous State not exceed the average patient load per thousand veteran population hospitalized by the Veterans' Administration within the forty-eight contiguous States; extended termination date for exercise of subcl. (v) authority to Dec. 31, 1981, from Dec. 31, 1978, except as to Alaska and Hawaii, and authorized waiver by the Administrator, to prevent hardship, of applicability to Puerto Rico and Virgin Islands of subcl. (v) restrictions with respect to hospital patient loads and incidence of provision of medical services.

1976—Par. (4)(A). Pub. L. 94-581, §202(b)(1), substituted "direct jurisdiction" for "direct and exclusive jurisdiction".

Par. (4)(C). Pub. L. 94-581, §202(b)(2), inserted "when facilities described in clause (A) or (B) of this paragraph are not capable of furnishing economical care because of geographical inaccessibility or of furnishing the care or services required" after "contracts" in provisions preceding subcl. (i), substituted "to a veteran for the treatment of a service-connected disability or a disability for which a veteran was discharged" for "for persons suffering from service-connected disabilities or from disabilities for which such persons were discharged" in subcl. (i), added subcls. (ii) and (iii), redesignated former subcls. (ii) and (iii) as (iv) and (v), respectively, and in subcl. (v) as so redesignated, substituted "subclause (v)" for "clause (iii)".

Par. (5)(A)(ii). Pub. L. 94-581, §202(b)(3), substituted "pursuant to the provisions of section 111 of this title"

for "for any veteran who is in need of treatment for a service-connected disability or who is unable to defray the expense of transportation".

Par. (5)(B). Pub. L. 94-581, §102(1), substituted "for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of a veteran or dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title; and" for "(including (i) necessary expenses for transportation if unable to defray such expenses; or (ii) necessary expenses of transportation and subsistence in the case of a veteran who is receiving care for a service-connected disability, or in the case of a dependent or survivor of a veteran receiving care under the last sentence of section 613(b) of this title, under the terms and conditions set forth in section 111 of this title) of the members of the immediate family (including legal guardians) of a veteran or such a dependent or survivor of a veteran, or in the case of a veteran or such dependent or survivor of a veteran who has no immediate family members (or legal guardian), the person in whose household such veteran, or such a dependent or survivor certifies his intention to live, as may be necessary or appropriate to the effective treatment and rehabilitation of a veteran or such a dependent or a survivor of a veteran; and".

Par. (6). Pub. L. 94-581, §102(2), expanded definition of "medical services" to include rehabilitation services, podiatric services, and travel and incidental expenses pursuant to the provisions of section 111 of this title, and, for the members of the immediate family or legal guardian of a veteran, or the individual in whose household such veteran certifies an intention to live, as may be essential to the effective treatment and rehabilitation of the veteran, such consultation, professional counseling, training, and mental health services as are necessary in connection with the treatment of the service-connected disability of a veteran pursuant to section 612(a) of this title, and, in the discretion of the Administrator, of the non-service-connected disability of a veteran eligible for treatment under section 612(f)(1)(B) of this title where such services were initiated during the veteran's hospitalization and the provision of such services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

Par. (7). Pub. L. 94-581, §102(3), substituted "necessary medical services and travel and incidental expenses pursuant to the provisions of section 111 of this title" for "transportation and incidental expenses for veterans who are unable to defray the expenses of transportation".

Par. (8). Pub. L. 94-581, §102(4), added par. (8).

1973—Par. (4)(C). Pub. L. 93-82, §101(a), extended the Administrator's contract authority for providing hospital care and medical services to persons suffering from service-connected disabilities or from disabilities for which such persons were discharged or released from the active military, naval, or air service and removed the limitation on such authority that such care be rendered in emergency cases only.

Par. (5). Pub. L. 93-82, §101(b), incorporated existing provisions in subpar. (A) and added subpars. (B) and (C).

Par. (6). Pub. L. 93-82, §101(c), expanded definition of "medical services" to include home health services determined by the Secretary to be necessary or appropriate for the effective and economical treatment of a disability of a veteran or a dependent or survivor of a veteran receiving care under section 613(b) of this title.

1968—Par. (4)(C)(iii). Pub. L. 90-612 expanded category of veterans of wars in the Territories, Commonwealths, or possessions of the United States to include, until December 31, 1978, veterans of such wars in States not contiguous to the forty-eight contiguous States, with the annually determined average hospital patient load per thousand of hospitalized veteran population in each such noncontiguous States not to exceed the average within the forty-eight contiguous States.

1964—Par. (2). Pub. L. 88-481 included any veteran awarded the Medal of Honor.

1960—Par. (6). Pub. L. 86-639 inserted "(except under the conditions described in section 612(f)(1))".

Pub. L. 86-598 inserted "optometrists' services" after "medical examination and treatment".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 1202(b) of Pub. L. 103-446 provided that the amendment made by that section is effective Aug. 6, 1991, and as if included in the enactment of Pub. L. 102-83.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 19011(d)(2) of Pub. L. 99-272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-151 effective Jan. 1, 1980, see section 206 of Pub. L. 96-151, set out as a note under section 111 of this title.

Section 107 of Pub. L. 96-22 provided that: "The amendments made to title 38, United States Code, by sections 102, 103, 104, 105, and 106 of this Act [see Tables for classification] shall be effective on October 1, 1979."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 501 of Pub. L. 93-82 provided that: "The provisions of this Act [see Tables for classification] shall become effective the first day of the first calendar month following the date of enactment [Aug. 2, 1973], except that sections 105 and 106 [amending section 626 [now 1726] of this title and enacting section 628 [now 1728] of this title] shall be effective on January 1, 1971; section 107 [enacting sections 631 and 632 [now 1731 and 1732] of this title and provisions set out as note under section 1732 of this title] shall be effective July 1, 1973; and section 203 [amending former section 4107 of this title] shall become effective beginning the first pay period following thirty days after the date of enactment of this Act [Aug. 2, 1973]."

STUDY OF FEASIBILITY AND ADVISIBILITY OF ALTERNATIVE ORGANIZATIONAL STRUCTURES FOR EFFECTIVE PROVISION OF HEALTH CARE SERVICES TO VETERANS

Section 1104 of Pub. L. 103-446 provided that:

"(a) REQUIREMENT.—The Secretary of Veterans Affairs shall enter into an agreement with an appropriate non-Federal entity under which the entity shall carry out a study of the feasibility and advisability of alternative organizational structures, such as the establishment of a wholly-owned Government corporation or a Government-sponsored enterprise, for the effective provision of health care services to veterans.

"(b) SUBMISSION OF REPORT.—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study required under subsection (a). The report shall be submitted not later than one year after the date of the enactment of this Act [Nov. 2, 1994].

"(c) AUTHORIZATION OF FUNDS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs the sum of \$1,000,000 for the purposes of carrying out the study required under subsection (a)."

CONTRACT HEALTH CARE; RATIFICATION OF ACTION OF ADMINISTRATOR OF VETERANS' AFFAIRS

Section 103(b) of Pub. L. 98-528 ratified actions by Administrator of Veterans' Affairs in entering into contracts applicable to the period beginning Oct. 1, 1984,

and ending Oct. 19, 1984, for care described in par. (4)(C)(v) of this section and in making waivers described in that provision.

ADMINISTRATION CAPABILITY TO PROVIDE APPROPRIATE CARE FOR GENDER-SPECIFIC DISABILITIES OF WOMEN VETERANS

Section 302 of Pub. L. 98-160, as amended by Pub. L. 102-40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102-83, §§5(c)(2), 6(f), Aug. 6, 1991, 105 Stat. 406, 407, provided that: "The Secretary of Veterans Affairs shall ensure that each health-care facility under the direct jurisdiction of the Secretary is able, through services made available either by individuals appointed to positions in the Veterans Health Administration or under contracts or other agreements made under section 4117 [see 7409], 8111, or 8153 of title 38, United States Code, to provide appropriate care, in a timely fashion, for any gender-specific disability (as defined in section 1701(1) of such title) of a woman veteran eligible for such care under chapter 17 or chapter 31 of such title."

ANNUAL REPORT TO CONGRESS COVERING CONTRACT-CARE PROGRAMS

Section 201(b) of Pub. L. 96-22, which directed Chief Medical Director of the Veterans' Administration to report to appropriate committees of Congress, not later than Feb. 1, 1980, and annually thereafter, on implementation of former par. (4)(C)(v) of this section and amendments made to this section by section 201 of Pub. L. 96-22, and on numbers of veterans provided contract treatment (and average cost and duration thereof) in each State in certain enumerated categories, was repealed by Pub. L. 100-322, title I, §112(b), May 20, 1988, 102 Stat. 499.

HOSPITAL CARE AND MEDICAL SERVICES FURNISHED BY VETERANS' ADMINISTRATION IN PUERTO RICO AND VIRGIN ISLANDS; REPORT TO PRESIDENT AND CONGRESS

Section 8 of Pub. L. 95-520, as amended by Pub. L. 96-330, title IV, §407, Aug. 26, 1980, 94 Stat. 1053, directed Administrator of Veterans' Affairs, not later than Feb. 1, 1981, to submit a report to President and Congress on furnishing by Administration of hospital care and medical services in Puerto Rico and Virgin Islands, and set forth applicable criteria and considerations for the report.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712A, 2303, 7318, 8111, 8111A, 8152 of this title.

§ 1702. Presumption relating to psychosis

For the purposes of this chapter, any veteran of World War II, the Korean conflict, the Vietnam era, or the Persian Gulf War who developed an active psychosis (1) within two years after discharge or release from the active military, naval, or air service, and (2) before July 26, 1949, in the case of a veteran of World War II, before February 1, 1957, in the case of a veteran of the Korean conflict, before May 8, 1977, in the case of a Vietnam era veteran, or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War, shall be deemed to have incurred such disability in the active military, naval, or air service.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1141, §602; Pub. L. 90-77, title II, §203(a), Aug. 31, 1967, 81 Stat. 183; Pub. L. 97-295, §4(16), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 99-576, title VII, §701(20), Oct. 28, 1986, 100 Stat. 3292; Pub. L. 102-25, title III,

§ 334(b), Apr. 6, 1991, 105 Stat. 88; renumbered § 1702, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 602 of this title as this section.

Pub. L. 102-25 substituted “the Vietnam era, or the Persian Gulf War” for “or the Vietnam era”, struck out “or” before “before May 8, 1977”, and inserted “or before the end of the two-year period beginning on the last day of the Persian Gulf War, in the case of a veteran of the Persian Gulf War,” after “Vietnam era veterans.”.

1986—Pub. L. 99-576 struck out “his” before “discharge”.

1982—Pub. L. 97-295 substituted “before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977,” for “or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of two years following termination of the Vietnam era”.

1967—Pub. L. 90-77 made the presumption relating to psychosis applicable to any veteran of the Vietnam era who developed an active psychosis within two years after his discharge from active service and before the expiration of two years following termination of the Vietnam era.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

§ 1703. Contracts for hospital care and medical services in non-Department facilities

(a) When Department facilities are not capable of furnishing economical hospital care or medical services because of geographical inaccessibility or are not capable of furnishing the care or services required, the Secretary, as authorized in section 1710 or 1712 of this title, may contract with non-Department facilities in order to furnish any of the following:

(1) Hospital care or medical services to a veteran for the treatment of—

(A) a service-connected disability;

(B) a disability for which a veteran was discharged or released from the active military, naval, or air service; or

(C) a disability of a veteran who has a total disability permanent in nature from a service-connected disability.

(2) Medical services for the treatment of any disability of—

(A) a veteran described in section 1712(a)(1)(B) of this title;

(B) a veteran described in paragraph (2), (3), or (4) of section 1712(a) of this title, for a purpose described in section 1712(a)(5)(B) of this title;

(C) a veteran described in section 1712(a)(3) (other than a veteran who is a former prisoner of war) of this title if the Secretary has determined, based on an examination by a physician employed by the Department (or, in areas where no such physician is available, by a physician carrying out such function under a contract or fee arrangement), that the medical condition of such veteran precludes appropriate treatment in Department facilities.

(3) Hospital care or medical services for the treatment of medical emergencies which pose a serious threat to the life or health of a veteran receiving medical services in a Department facility or nursing home care under section 1720 of this title until such time following the furnishing of care in the non-Department facility as the veteran can be safely transferred to a Department facility.

(4) Hospital care for women veterans.

(5) Hospital care, or medical services that will obviate the need for hospital admission, for veterans in a State (other than the Commonwealth of Puerto Rico) not contiguous to the contiguous States, except that the annually determined hospital patient load and incidence of the furnishing of medical services to veterans hospitalized or treated at the expense of the Department in Government and non-Department facilities in each such noncontiguous State shall be consistent with the patient load or incidence of the furnishing of medical services for veterans hospitalized or treated by the Department within the 48 contiguous States and the Commonwealth of Puerto Rico.

(6) Diagnostic services necessary for determination of eligibility for, or of the appropriate course of treatment in connection with, furnishing medical services at independent Department out-patient clinics to obviate the need for hospital admission.

(7) Outpatient dental services and treatment, and related dental appliances, for a veteran described in section 1712(b)(1)(F) of this title.

(8) Diagnostic services (on an inpatient or outpatient basis) for observation or examination of a person to determine eligibility for a benefit or service under laws administered by the Secretary.

(b) In the case of any veteran for whom the Secretary contracts to furnish care or services in a non-Department facility pursuant to a provision of subsection (a) of this section, the Secretary shall periodically review the necessity for continuing such contractual arrangement pursuant to such provision.

(c) The Secretary shall include in the budget documents which the Secretary submits to Congress for any fiscal year a detailed report on the furnishing of contract care and services during the most recently completed fiscal year under this section, sections 1712A, 1720, 1720A, 1724, and 1732 of this title, and section 115 of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 501).

(Added Pub. L. 99-272, title XIX, § 19012(b)(1), Apr. 7, 1986, 100 Stat. 380, § 603; amended Pub. L. 99-166, title I, § 102(b)(1), Dec. 3, 1985, 99 Stat. 943; Pub. L. 99-272, title XIX, § 19012(c)(5)(A), Apr. 7, 1986, 100 Stat. 382; Pub. L. 100-322, title I, §§ 101(e)(3), 104, 112(a), May 20, 1988, 102 Stat. 492, 493, 499; Pub. L. 100-687, div. B, title XV, § 1503(a)(1), Nov. 18, 1988, 102 Stat. 4133; Pub. L. 102-54, § 14(b)(9), June 13, 1991, 105 Stat. 283; renumbered § 1703 and amended Pub. L. 102-83, §§ 4(a)(1), (3)-(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 102-585, title V, § 501, Nov. 4, 1992, 106 Stat. 4955.)

REFERENCES IN TEXT

Section 115 of the Veterans' Benefits and Services Act of 1988, referred to in subsec. (c), is set out as a note under section 1712 of this title.

AMENDMENTS

1992—Subsec. (a)(1)(C). Pub. L. 102-585 added subpar. (C).

1991—Pub. L. 102-83, §5(a), renumbered section 603 of this title as this section.

Pub. L. 102-83, §4(a)(5), substituted "non-Department" for "non-Veterans' Administration" in section catchline.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1710 or 1712" for "610 or 612" in introductory provisions, "1712(a)(1)(B)" for "612(a)(1)(B)" in par. (2)(A), "1712(a)" for "612(a)" and "1712(a)(5)(B)" for "612(a)(5)(B)" in par. (2)(B), "1712(a)(3)" for "612(a)(3)" in par. (2)(C), "1720" for "620" in par. (3), and "1712(b)(1)(F)" for "612(b)(1)(F)" in par. (7).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions and in par. (2)(C).

Pub. L. 102-83, §4(a)(5), substituted "non-Department" for "non-Veterans' Administration" in introductory provisions and in pars. (3) and (5).

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing in introductory provisions and pars. (2), (3), (5), and (6).

Subsec. (a)(2)(B). Pub. L. 102-54, §14(b)(9)(A), struck out "section" before "paragraph".

Subsec. (a)(7). Pub. L. 102-54, §14(b)(9)(B), substituted "section 612(b)(1)(F)" for "section 612(b)(1)(G)".

Subsec. (a)(8). Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102-83, §4(a)(5), substituted "non-Department" for "non-Veterans' Administration".

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "1712A, 1720, 1720A, 1724, and 1732" for "612A, 620, 620A, 624, and 632".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102-54, §14(b)(9)(C), inserted before period at end "(Public Law 100-322; 102 Stat. 501)".

1988—Subsec. (a). Pub. L. 100-322, §104(b)(1), substituted "furnish any of the following:" for "furnish—".

Subsec. (a)(1). Pub. L. 100-322, §104(b)(2), (3), substituted "Hospital" for "hospital" and the period for semicolon at end.

Subsec. (a)(2). Pub. L. 100-322, §104(b)(2), (3), substituted "Medical" for "medical" and the period for semicolon at end.

Subsec. (a)(2)(B). Pub. L. 100-687 substituted "paragraph (2), (3), or (4) of section 612(a)" for "612(a)(4)", and "612(a)(5)(B)" for "612(a)(5)".

Pub. L. 100-322, §101(e)(3)(A), substituted "section 612(a)(4) of this title, for a purpose described in section 612(a)(5) of this title" for "section 612(f)(1)(A)(ii) of this title".

Subsec. (a)(2)(C). Pub. L. 100-322, §101(e)(3)(B), substituted "section 612(a)(3) (other than a veteran who is a former prisoner of war)" for "section 612(g)".

Subsec. (a)(3). Pub. L. 100-322, §104(a)(1), (b)(2), (3), substituted "Hospital" for "hospital", inserted "or nursing home care under section 620 of this title", and substituted the period for semicolon at end.

Subsec. (a)(4), (5). Pub. L. 100-322, §104(b)(2), (3), substituted "Hospital" for "hospital" and the period for semicolon at end.

Subsec. (a)(6). Pub. L. 100-322, §104(b)(2), (4), substituted "Diagnostic" for "diagnostic" and the period for "or".

Subsec. (a)(7). Pub. L. 100-322, §104(b)(2), substituted "Outpatient" for "outpatient".

Subsec. (a)(8). Pub. L. 100-322, §104(a)(2), added par. (8).

Subsec. (c). Pub. L. 100-322, §112(a), added subsec. (c). 1986—Subsec. (a)(5). Pub. L. 99-272, §19012(c)(5)(A), made conforming amendment to Pub. L. 99-166, §102(b)(1). See 1985 Amendment note below.

1985—Subsec. (a)(5). Pub. L. 99-166, §102(b)(1), as amended by Pub. L. 99-272, §19012(c)(5)(A), inserted "(other than the Commonwealth of Puerto Rico)" after "in a State" and substituted "contiguous States and the Commonwealth of Puerto Rico" for "contiguous States, but the authority of the Administrator under this paragraph with respect to the Commonwealth of Puerto Rico shall expire on September 30, 1988, and until such date the Administrator may, if necessary to prevent hardship, waive the applicability to the Commonwealth of Puerto Rico of the restrictions in this paragraph with respect to hospital patient loads and the incidence of the furnishing of medical services".

EFFECTIVE DATE OF 1988 AMENDMENTS

Section 1503(b) of Pub. L. 100-687 provided that: "The amendments made by subsection (a)(1) [amending this section] shall apply with respect to the furnishing of medical services by contract to veterans who apply to the Veterans' Administration for medical services after June 30, 1988."

Section 101(i) of Pub. L. 100-322 provided that: "The amendments made by this section [amending this section and sections 612 and 617 [now 1712 and 1717] of this title] shall apply with respect to the furnishing of medical services to veterans who apply for such services after June 30, 1988."

EFFECTIVE DATE OF 1985 AMENDMENT

Section 102(b)(1) of Pub. L. 99-166, as amended by Pub. L. 99-272, title XIX, §19012(c)(5)(A), Apr. 7, 1986, 100 Stat. 382, provided that the amendment made by that section is effective Oct. 1, 1988.

RATIFICATION OF MEDICAL SERVICES CONTRACTS

Section 1503(c) of Pub. L. 100-687 ratified actions of the Administrator in contracting with facilities other than Veterans' Administration facilities for furnishing medical services incident to treatment of certain veterans receiving hospital, nursing home, or domiciliary care, who applied for such services during the period beginning July 1, 1988, and ending Nov. 18, 1988.

PUERTO RICO CONTRACT CARE; LIMITATION ON INCURRING OF OBLIGATIONS

Section 102(b)(2)-(5) of Pub. L. 99-166, as amended by Pub. L. 99-272, title XIX, §19012(c)(5)(B), Apr. 7, 1986, 100 Stat. 382, limited Administrator's authority to incur obligations for medical services for veterans residing in Puerto Rico during fiscal years 1986 to 1988.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1710, 1712, 1712A, 2303 of this title; title 42 section 1395cc.

§ 1704. Preventive health services: annual report

Not later than October 31 each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on preventive health services. Each such report shall include the following:

- (1) A description of the programs and activities of the Department with respect to preventive health services during the preceding fiscal year, including a description of the following:
 - (A) The programs conducted by the Department—
 - (i) to educate veterans with respect to health promotion and disease prevention; and
 - (ii) to provide veterans with preventive health screenings and other clinical serv-

ices, with such description setting forth the types of resources used by the Department to conduct such screenings and services and the number of veterans reached by such screenings and services.

(B) The means by which the Secretary addressed the specific preventive health services needs of particular groups of veterans (including veterans with service-connected disabilities, elderly veterans, low-income veterans, women veterans, institutionalized veterans, and veterans who are at risk for mental illness).

(C) The manner in which the provision of such services was coordinated with the activities of the Medical and Prosthetic Research Service of the Department and the National Center for Preventive Health.

(D) The manner in which the provision of such services was integrated into training programs of the Department, including initial and continuing medical training of medical students, residents, and Department staff.

(E) The manner in which the Department participated in cooperative preventive health efforts with other governmental and private entities (including State and local health promotion offices and not-for-profit organizations).

(F) The specific research carried out by the Department with respect to the long-term relationships among screening activities, treatment, and morbidity and mortality outcomes.

(G) The cost effectiveness of such programs and activities, including an explanation of the means by which the costs and benefits (including the quality of life of veterans who participate in such programs and activities) of such programs and activities are measured.

(2) A specific description of research activities on preventive health services carried out during that period using employees, funds, equipment, office space, or other support services of the Department, with such description setting forth—

(A) the source of funds for those activities;

(B) the articles or publications (including the authors of the articles and publications) in which those activities are described;

(C) the Federal, State, or local governmental entity or private entity, if any, with which such activities were carried out; and

(D) the clinical, research, or staff education projects for which funding applications were submitted (including the source of the funds applied for) and upon which a decision is pending or was denied.

(3) An accounting of the expenditure of funds during that period by the National Center for Preventive Health under section 7318 of this title.

(Added Pub. L. 102-585, title V, §512(a), Nov. 4, 1992, 106 Stat. 4957.)

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR DOMICILIARY CARE AND MEDICAL TREATMENT

AMENDMENTS

1976—Pub. L. 94-581, title II, §202(c), Oct. 21, 1976, 90 Stat. 2855, inserted “, NURSING HOME,” in subchapter heading.

§ 1710. Eligibility for hospital, nursing home, and domiciliary care

(a)(1) The Secretary shall furnish hospital care, and may furnish nursing home care, which the Secretary determines is needed—

(A) to any veteran for a service-connected disability;

(B) to a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty, for any disability;

(C) to a veteran who is in receipt of, or who, but for a suspension pursuant to section 1151 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such veteran's continuing eligibility for such care is provided for in the judgment or settlement described in such section, for any disability;

(D) to a veteran who has a service-connected disability rated at 50 percent or more, for any disability;

(E) to any other veteran who has a service-connected disability, for any disability;

(F) to a veteran who is a former prisoner of war, for any disability;

(G) to a veteran exposed to a toxic substance, radiation, or environmental hazard, as provided in subsection (e) of this section;

(H) to a veteran of the Mexican border period or World War I, for any disability; and

(I) to a veteran for a non-service-connected disability, if the veteran is unable to defray the expenses of necessary care as determined under section 1722(a) of this title.

(2) In the case of a veteran who is not described in paragraph (1) of this subsection, the Secretary may, to the extent resources and facilities are available, furnish hospital care and nursing home care to a veteran which the Secretary determines is needed for a nonservice-connected disability, subject to the provisions of subsection (f) of this section.

(3) In addition to furnishing hospital care and nursing home care described in paragraphs (1) and (2) of this subsection through Department facilities, the Secretary may furnish such hospital care in accordance with section 1703 of this title and may furnish such nursing home care as authorized under section 1720 of this title.

(b)(1) The Secretary may furnish to a veteran described in paragraph (2) of this subsection such domiciliary care as the Secretary determines is needed for the purpose of the furnishing of medical services to the veteran.

(2) This subsection applies in the case of the following veterans:

(A) Any veteran whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension that would be applicable to the veteran if

the veteran were eligible for pension under section 1521(d) of this title.

(B) Any veteran who the Secretary determines has no adequate means of support.

(c) While any veteran is receiving hospital care or nursing home care in any Department facility, the Secretary may, within the limits of Department facilities, furnish medical services to correct or treat any non-service-connected disability of such veteran, in addition to treatment incident to the disability for which such veteran is hospitalized, if the veteran is willing, and the Secretary finds such services to be reasonably necessary to protect the health of such veteran. The Secretary may furnish dental services and treatment, and related dental appliances, under this subsection for a non-service-connected dental condition or disability of a veteran only (1) to the extent that the Secretary determines that the dental facilities of the Department to be used to furnish such services, treatment, or appliances are not needed to furnish services, treatment, or appliances for dental conditions or disabilities described in section 1712(b) of this title, or (2) if (A) such non-service-connected dental condition or disability is associated with or aggravating a disability for which such veteran is receiving hospital care, or (B) a compelling medical reason or a dental emergency requires furnishing dental services, treatment, or appliances (excluding the furnishing of such services, treatment, or appliances of a routine nature) to such veteran during the period of hospitalization under this section.

(d) In no case may nursing home care be furnished in a hospital not under the direct jurisdiction of the Secretary except as provided in section 1720 of this title.

(e)(1)(A) Subject to paragraphs (2) and (3) of this subsection, a veteran—

(i) who served on active duty in the Republic of Vietnam during the Vietnam era, and

(ii) who the Secretary finds may have been exposed during such service to dioxin or was exposed during such service to a toxic substance found in a herbicide or defoliant used in connection with military purposes during such era,

is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

(B) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds was exposed while serving on active duty to ionizing radiation from the detonation of a nuclear device in connection with such veteran's participation in the test of such a device or with the American occupation of Hiroshima and Nagasaki, Japan, during the period beginning on September 11, 1945, and ending on July 1, 1946, is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

(C) Subject to paragraphs (2) and (3) of this subsection, a veteran who the Secretary finds

may have been exposed while serving on active duty in the Southwest Asia theater of operations during the Persian Gulf War to a toxic substance or environmental hazard is eligible for hospital care and nursing home care under subsection (a)(1)(G) of this section for any disability, notwithstanding that there is insufficient medical evidence to conclude that such disability may be associated with such exposure.

(2) Hospital and nursing home care may not be provided under subsection (a)(1)(G) of this section with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in subparagraph (A), (B), or (C) of paragraph (1) of this subsection.

(3) Hospital and nursing home care and medical services may not be provided under or by virtue of subsection (a)(1)(G) of this section after June 30, 1995, or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1995.

(f)(1) The Secretary may not furnish hospital care or nursing home care under this section to a veteran who is eligible for such care under subsection (a)(2) of this section unless the veteran agrees to pay to the United States the applicable amount determined under paragraph (2) of this subsection.

(2) A veteran who is furnished hospital care or nursing home care under this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such care shall be liable to the United States for an amount equal to—

(A) the lesser of—

(i) the cost of furnishing such care, as determined by the Secretary; or

(ii) the amount determined under paragraph (3) of this subsection; and

(B) an amount equal to \$10 for every day the veteran receives hospital care and \$5 for every day the veteran receives nursing home care.

(3)(A) In the case of hospital care furnished during any 365-day period, the amount referred to in paragraph (2)(A)(ii) of this subsection is—

(i) the amount of the inpatient Medicare deductible, plus

(ii) one-half of such amount for each 90 days of care (or fraction thereof) after the first 90 days of such care during such 365-day period.

(B) In the case of nursing home care furnished during any 365-day period, the amount referred to in paragraph (2)(A)(ii) of this subsection is the amount of the inpatient Medicare deductible for each 90 days of such care (or fraction thereof) during such 365-day period.

(C)(i) Except as provided in clause (ii) of this subparagraph, in the case of a veteran who is admitted for nursing home care under this section after being furnished, during the preceding 365-day period, hospital care for which the veteran has paid the amount of the inpatient Medicare deductible under this subsection and who has not been furnished 90 days of hospital care in connection with such payment, the veteran shall not incur any liability under paragraph (2) of this subsection with respect to such nursing home care until—

(I) the veteran has been furnished, beginning with the first day of such hospital care furnished in connection with such payment, a total of 90 days of hospital care and nursing home care; or

(II) the end of the 365-day period applicable to the hospital care for which payment was made,

whichever occurs first.

(ii) In the case of a veteran who is admitted for nursing home care under this section after being furnished, during any 365-day period, hospital care for which the veteran has paid an amount under subparagraph (A)(i) of this paragraph and who has not been furnished 90 days of hospital care in connection with such payment, the amount of the liability of the veteran under paragraph (2) of this subsection with respect to the number of days of such nursing home care which, when added to the number of days of such hospital care, is 90 or less, is the difference between the inpatient Medicare deductible and the amount paid under such subparagraph until—

(I) the veteran has been furnished, beginning with the first day of such hospital care furnished in connection with such payment, a total of 90 days of hospital care and nursing home care; or

(II) the end of the 365-day period applicable to the hospital care for which payment was made,

whichever occurs first.

(D) In the case of a veteran who is admitted for hospital care under this section after having been furnished, during the preceding 365-day period, nursing home care for which the veteran has paid the amount of the inpatient Medicare deductible under this subsection and who has not been furnished 90 days of nursing home care in connection with such payment, the veteran shall not incur any liability under paragraph (2) of this subsection with respect to such hospital care until—

(i) the veteran has been furnished, beginning with the first day of such nursing home care furnished in connection with such payment, a total of 90 days of nursing home care and hospital care; or

(ii) the end of the 365-day period applicable to the nursing home care for which payment was made,

whichever occurs first.

(E) A veteran may not be required to make a payment under this subsection for hospital care or nursing home care furnished under this section during any 90-day period in which the veteran is furnished medical services under section 1712(a) of this title to the extent that such payment would cause the total amount paid by the veteran under this subsection for hospital care and nursing home care furnished during that period and under section 1712(f) of this title for medical services furnished during that period to exceed the amount of the inpatient Medicare deductible in effect on the first day of such period.

(F) A veteran may not be required to make a payment under this subsection or section 1712(f) of this title for any days of care in excess of 360 days of care during any 365-calendar-day period.

(4) Amounts collected or received on behalf of the United States under this subsection shall be

deposited in the Treasury as miscellaneous receipts.

(5) For the purposes of this subsection, the term "inpatient Medicare deductible" means the amount of the inpatient hospital deductible in effect under section 1813(b) of the Social Security Act (42 U.S.C. 1395e(b)) on the first day of the 365-day period applicable under paragraph (3) of this subsection.

(g) Nothing in this section requires the Secretary to furnish care to a veteran to whom another agency of Federal, State, or local government has a duty under law to provide care in an institution of such government.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1141, §610; Pub. L. 87-583, §1, Aug. 14, 1962, 76 Stat. 381; Pub. L. 89-358, §8, Mar. 3, 1966, 80 Stat. 27; Pub. L. 89-785, title III, §304, Nov. 7, 1966, 80 Stat. 1377; Pub. L. 91-500, §4, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 93-82, title I, §102, Aug. 2, 1973, 87 Stat. 180; Pub. L. 94-581, title II, §§202(d), 210(a)(1), Oct. 21, 1976, 90 Stat. 2855, 2862; Pub. L. 96-22, title I, §102(a), June 13, 1979, 93 Stat. 47; Pub. L. 97-37, §5(a), Aug. 14, 1981, 95 Stat. 936; Pub. L. 97-72, title I, §102(a), Nov. 3, 1981, 95 Stat. 1047; Pub. L. 98-160, title VII, §701, Nov. 21, 1983, 97 Stat. 1008; Pub. L. 99-166, title I, §103, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99-272, title XIX, §1901(a), (d)(3), Apr. 7, 1986, 100 Stat. 372, 379; Pub. L. 99-576, title II, §237(a), (b)(1), Oct. 28, 1986, 100 Stat. 3267; Pub. L. 100-322, title I, §102(a), May 20, 1988, 102 Stat. 492; Pub. L. 100-687, div. B, title XII, §1202, Nov. 18, 1988, 102 Stat. 4125; Pub. L. 101-508, title VIII, §8013(a), Nov. 5, 1990, 104 Stat. 1388-346; Pub. L. 102-4, §5, Feb. 6, 1991, 105 Stat. 15; Pub. L. 102-54, §14(b)(10), June 13, 1991, 105 Stat. 283; renumbered §1710 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 103-210, §§1(a), 2(a), Dec. 20, 1993, 107 Stat. 2496, 2497; Pub. L. 103-446, title XII, §1201(d)(2), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 103-452, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4786.)

AMENDMENT OF SECTION

For termination of amendment by section 8013(e) of Pub. L. 101-508, see Effective and Termination Dates of 1990 Amendment note below.

PRIOR PROVISIONS

A prior section 1710 was renumbered section 3510 of this title.

AMENDMENTS

1994—Subsec. (e)(3). Pub. L. 103-452 substituted "June 30, 1995" for "June 30, 1994" and "December 31, 1995" for "December 31, 1994".

Subsec. (f)(3)(E). Pub. L. 103-446 substituted "section 1712(a)" for "section 1712(f)" and "section 1712(f)" for "section 1712(f)(4)".

1993—Subsec. (a)(1)(G). Pub. L. 103-210, §1(a)(1), substituted "substance, radiation, or environmental hazard" for "substance or radiation".

Subsec. (e)(1)(C). Pub. L. 103-210, §1(a)(2)(A), added subpar. (C).

Subsec. (e)(2). Pub. L. 103-210, §1(a)(2)(B), substituted "subparagraph (A), (B), or (C)" for "subparagraph (A) or (B)".

Subsec. (e)(3). Pub. L. 103-210, §2(a), substituted "June 30, 1994" for "December 31, 1993".

Pub. L. 103-210, §1(a)(2)(C), inserted before period at end " , or, in the case of care for a veteran described in paragraph (1)(C), after December 31, 1994".

1992—Subsec. (e)(2). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director”.

1991—Pub. L. 102-83, §5(a), renumbered section 610 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §5(c)(1), substituted “1151” for “351” in subpar. (C) and “1722(a)” for “622(a)” in subpar. (I).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places in introductory provisions.

Subsec. (a)(1)(H). Pub. L. 102-54 substituted “the Mexican border period” for “the Spanish-American War, the Mexican border period.”.

Subsec. (a)(3). Pub. L. 102-83, §5(c)(1), substituted “1703” for “603” and “1720” for “620”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b)(2)(A). Pub. L. 102-83, §5(c)(1), substituted “1503” for “503” and “1521(d)” for “521(d)”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “1712(b)” for “612(b)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “1720” for “620”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (e)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in subpars. (A)(ii) and (B).

Subsec. (e)(3). Pub. L. 102-4 substituted “1993” for “1990”.

Subsec. (f)(3)(E), (F). Pub. L. 102-83, §5(c)(1), substituted “1712(f)” for “612(f)” and “1712(f)(4)” for “612(f)(4)” in subpar. (E) and “1712(f)” for “612(f)” in subpar. (F).

Subsec. (g). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1990—Subsec. (a)(1)(I). Pub. L. 101-508, §8013(a)(1)(A), (e), temporarily substituted “section 622(a)” for “section 622(a)(1)”. See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (a)(2). Pub. L. 101-508, §8013(a)(1)(B), (e), temporarily added par. (2) and struck out former par. (2) which read as follows:

“(A) To the extent that resources and facilities are available, the Administrator may furnish hospital care and nursing home care which the Administrator determines is needed to a veteran for a non-service-connected disability if the veteran has an income level described in section 622(a)(2) of this title.

“(B) In the case of a veteran who is not described in paragraph (1) of this subsection or in subparagraph (A) of this paragraph, the Administrator may furnish hospital care and nursing home care which the Administrator determines is needed to the veteran for a non-service-connected disability—

“(i) to the extent that resources and facilities are otherwise available; and

“(ii) subject to the provisions of subsection (f) of this section.”

See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (f)(1), (2). Pub. L. 101-508, §8013(a)(2)(A), (e), temporarily added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

“(1) The Administrator may not furnish hospital care or nursing home care under this section to a veteran who is eligible for such care by reason of subsection (a)(2)(B) of this section unless the veteran agrees to pay to the United States the applicable amount determined under paragraph (2) of this subsection.

“(2) A veteran who is furnished hospital care or nursing home care under this section and who is required

under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such care shall be liable to the United States for an amount equal to the lesser of—

“(A) the cost of furnishing such care, as determined by the Administrator; and

“(B) the amount determined under paragraph (3) of this subsection.”

See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (f)(3)(A), (B). Pub. L. 101-508, §8013(a)(2)(B), (e), temporarily substituted “paragraph (2)(A)(ii)” for “paragraph (2)(B)”. See Effective and Termination Dates of 1990 Amendment note below.

1988—Subsec. (b). Pub. L. 100-233 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Administrator, within the limits of Veterans’ Administration facilities, may furnish domiciliary care to—

“(1) a veteran who was discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or a person who is in receipt of disability compensation, when such person is suffering from a permanent disability or tuberculosis or neuropsychiatric ailment and is incapacitated from earning a living and has no adequate means of support; and

“(2) a veteran who is in need of domiciliary care if such veteran is unable to defray the expenses of necessary domiciliary care.”

Subsec. (e)(3). Pub. L. 100-687 substituted “December 31, 1990” for “September 30, 1989”.

1986—Subsec. (a). Pub. L. 99-576, §237(a), inserted “who is in receipt of, or” after “veteran” in par. (1)(C).

Pub. L. 99-272, §19011(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Administrator, within the limits of Veterans’ Administration facilities, may furnish hospital care or nursing home care which the Administrator determines is needed to—

“(1)(A) any veteran for a service-connected disability; or

“(B) any veteran for a non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital or nursing home care;

“(2) a veteran whose discharge or release from the active military, naval, or air service was for a disability incurred or aggravated in line of duty;

“(3) a person (A) who is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation, or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person’s continuing eligibility for such care is provided for in the judgment or settlement described in such section;

“(4) a veteran who is a former prisoner of war;

“(5) a veteran who meets the conditions of subsection (e) of this section; and

“(6) any veteran for a non-service-connected disability if such veteran is sixty-five years of age or older.”

Subsec. (e)(1)(A), (B). Pub. L. 99-272, §19011(d)(3)(A), substituted “is eligible for hospital care and nursing home care under subsection (a)(1)(G)” for “may be furnished hospital care or nursing home care under subsection (a)(5)”.

Subsec. (e)(2), (3). Pub. L. 99-272, §19011(d)(3)(B), substituted “subsection (a)(1)(G)” for “subsection (a)(5)”.

Subsec. (f). Pub. L. 99-272, §19011(a)(2), added subsec. (f).

Subsec. (f)(3)(F). Pub. L. 99-576, §237(b)(1), added subpar. (F).

Subsec. (g). Pub. L. 99-272, §19011(a)(2), added subsec. (g).

1985—Subsec. (e)(3). Pub. L. 99-166 substituted “after September 30, 1989” for “after the end of the one-year period beginning on the date the Administrator submits to the appropriate committees of Congress the

first report required by section 307(b)(2) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 93 Stat. 1098)".

1983—Subsec. (a)(3). Pub. L. 98-160 inserted "(A)" after "a person" and, after "disability compensation", inserted "or (B) who, but for a suspension pursuant to section 351 of this title (or both such a suspension and the receipt of retired pay), would be entitled to disability compensation, but only to the extent that such person's continuing eligibility for such care is provided for in the judgment or settlement described in such section".

1981—Subsec. (a). Pub. L. 97-72, § 102(a)(1), added cl. (5) and redesignated former cl. (5) as (6).

Pub. L. 97-37 added cl. (4) and redesignated former cl. (4) as (5).

Subsec. (e). Pub. L. 97-72, § 102(a)(2), added subsec. (e).

1979—Subsec. (c). Pub. L. 96-22 inserted provisions relating to the furnishing of dental services and treatment and related dental appliances for non-service-connected dental conditions or disabilities of veterans.

1976—Pub. L. 94-581, § 202(d)(1), inserted "nursing home," in section catchline.

Subsec. (a). Pub. L. 94-581, §§ 202(d)(2), 210(a)(1)(A), (B), substituted "the Administrator determines" for "he determines" in provisions preceding par. (1) and substituted "such veteran" for "he" and "necessary hospital or nursing home care" for "necessary hospital care" in subpar. (B) of par. (1).

Subsec. (b)(1). Pub. L. 94-581, § 210(a)(1)(C), substituted "such person" for "he".

Subsec. (b)(2). Pub. L. 94-581, § 202(d)(3), 210(a)(1)(B), substituted "a veteran who is in need of domiciliary care if such veteran" for "a veteran of any war or of service after January 31, 1955, who is in need of domiciliary care, if he".

Subsec. (c). Pub. L. 94-581, § 210(a)(1)(B), substituted "for which such veteran is hospitalized" for "for which he is hospitalized".

Subsec. (d). Pub. L. 94-581, § 202(d)(4), substituted "direct jurisdiction" for "direct and exclusive jurisdiction".

1973—Subsec. (a). Pub. L. 93-82, § 102(1), (2), extended authority of the Administrator to furnish nursing home care, and in par. (1)(B), substituted "any veteran for a" for "a veteran of any war or of service after January 31, 1955, for".

Subsec. (c). Pub. L. 93-82, § 102(3), expanded provision regarding medical services to include nursing home care and struck out requirement that the Administrator make a determination in each instance that the non-service-connected disability would be in the veteran's interest, would not prolong his hospitalization, and, would not interfere with the furnishing of hospital facilities to other veterans.

Subsec. (d). Pub. L. 93-82, § 102(4), added subsec. (d).

1970—Subsec. (a). Pub. L. 91-500 added cl. (4).

1966—Pub. L. 89-358 inserted "or of service after January 31, 1955," after "veteran of any war" in subsecs. (a)(1)(B) and (b)(2).

Subsec. (c). Pub. L. 89-785 added subsec. (c).

1962—Subsec. (a)(1). Pub. L. 87-583 provided for hospital care to any veteran for a service-connected disability instead of to a veteran of any war for a service-connected disability incurred or aggravated during a period of war in subpar. (A) and incorporated existing provisions in subpar. (B).

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1(c)(1) of Pub. L. 103-210 provided that: "The amendments made by subsections (a) and (b) [amending this section and section 1712 of this title] shall take effect as of August 2, 1990."

EFFECTIVE AND TERMINATION DATES OF 1990 AMENDMENT

Pub. L. 102-145, § 111, Oct. 28, 1991, 105 Stat. 970, provided that: "Notwithstanding any other provision of this joint resolution or any other law, the amendments

made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) [enacting section 622A [now 1722A] of this title and amending this section and sections 612 [now 1712] and 622 [now 1722] of this title] shall remain in effect through the period covered by this joint resolution [see section 106 of Pub. L. 102-145, 105 Stat. 970, as amended by Pub. L. 102-163, 105 Stat. 1048]."

Pub. L. 102-109, § 111, Sept. 30, 1991, 105 Stat. 553, provided that: "Notwithstanding any other provision of this joint resolution or any other law, the amendments made by sections 8012 and 8013 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) [enacting section 622A [now 1722A] of this title and amending this section and sections 612 [now 1712] and 622 [now 1722] of this title] shall remain in effect through the period covered by this joint resolution [see section 106 of Pub. L. 102-109, 105 Stat. 553]."

Section 8013(d) and (e) of Pub. L. 101-508, as amended by Pub. L. 102-139, title V, § 518(b), Oct. 28, 1991, 105 Stat. 779; Pub. L. 102-568, title VI, § 606(b), Oct. 29, 1992, 106 Stat. 4343; Pub. L. 103-66, title XII, § 12002(a), Aug. 10, 1993, 107 Stat. 414, provided that:

"(d) EFFECTIVE DATE.—The amendments made by this section [amending this section and sections 612 and 622 [now 1712 and 1722] of this title] shall apply with respect to hospital care and medical services received after October 31, 1990, or the date of the enactment of this Act [Nov. 5, 1990], whichever is later.

"(e) SUNSET.—The amendments made by this section expire on September 30, 1998."

EFFECTIVE DATE OF 1986 AMENDMENTS

Section 237(c) of Pub. L. 99-576 provided that: "The amendments made by this section [amending this section and section 612 [now 1712] of this title] shall take effect as of April 7, 1986."

Section 1901(f) of Pub. L. 99-272 provided that:

"(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and sections 525, 601, 612, 612A, 620, 622, and 663 [now 1525, 1701, 1712, 1712A, 1720, 1722, and 1763] of this title and enacting provisions set out as notes under this section and section 1722 of this title] shall apply to hospital care, nursing home care, and medical services furnished on or after July 1, 1986.

"(2)(A) The provisions of sections 610 and 622 [now 1710 and 1722] of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [Apr. 7, 1986], shall apply with respect to hospital and nursing home care furnished on or after July 1, 1986, to veterans furnished such care or services on June 30, 1986, but only to the extent that such care is furnished with respect to the same episode of care for which it was furnished on June 30, 1986, as determined by the Administrator pursuant to regulations which the Administrator shall prescribe.

"(B) During the months of July and August 1986, the Administrator may, in order to continue a course of treatment begun before July 1, 1986, furnish medical services to a veteran on an ambulatory or outpatient basis without regard to the amendments made by this section.

"(C) For the purposes of this paragraph, the term 'episode of care' means a period of consecutive days—

"(i) beginning with the first day on which a veteran is furnished hospital or nursing home care; and

"(ii) ending on the day of the veteran's discharge from the hospital or nursing home facility, as the case may be."

EFFECTIVE DATE OF 1981 AMENDMENT

Section 5(d) of Pub. L. 97-37 provided that: "The amendments made by this section [amending this section and section 612 [now 1712] of this title] shall take effect on October 1, 1981".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-22 effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

SAVINGS PROVISION FOR PUB. L. 100-322

Section 102(c) of Pub. L. 100-322 provided that: "The amendment made by subsection (a) [amending this section] shall not limit or restrict the eligibility for domiciliary care of a veteran who was a patient or a resident in a State home facility or a Veterans' Administration domiciliary facility during the period beginning on January 1, 1987, and ending on April 1, 1988."

RATIFICATION OF ACTIONS DURING PERIOD OF LAPSED AUTHORITY

Section 105 of Pub. L. 103-452 provided that: "Any action of the Secretary of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act [Nov. 2, 1994] is hereby ratified."

REIMBURSEMENT FOR HOSPITAL, NURSING HOME OR OUTPATIENT SERVICES EXPENSES

Section 1(c)(2) of Pub. L. 103-210 directed Secretary of Veterans Affairs, on request, to reimburse any veteran who paid the United States an amount under 38 U.S.C. 1710(f) or 1712(f) for hospital care, nursing home care, or outpatient services furnished by the Secretary to the veteran before Dec. 20, 1993, on the basis of a finding that the veteran may have been exposed to a toxic substance or environmental hazard during the Persian Gulf War, with amount of reimbursement to be amount that was paid by the veteran for such care or services.

HEALTH CARE SERVICES FOR WOMEN

Pub. L. 102-585, title I, §106, Nov. 4, 1992, 106 Stat. 4947, provided that:

"(a) GENERAL AUTHORITY.—In furnishing hospital care and medical services under chapter 17 of title 38, United States Code, the Secretary of Veterans Affairs may provide to women the following health care services:

"(1) Papanicolaou tests (pap smears).

"(2) Breast examinations and mammography.

"(3) General reproductive health care, including the management of menopause, but not including under this section infertility services, abortions, or pregnancy care (including prenatal and delivery care), except for such care relating to a pregnancy that is complicated or in which the risks of complication are increased by a service-connected condition.

"(b) RESPONSIBILITIES OF DIRECTORS OF FACILITIES.—The Secretary shall ensure that directors of medical facilities of the Department identify and assess opportunities under the authority provided in title II of this Act [38 U.S.C. 8111 note] to (1) expand the availability of, and access to, health care services for women veterans under sections 1710 and 1712 of title 38, United States Code, and (2) provide counseling, care, and services authorized by this title [see Short Title of 1992 Amendment note set out under section 101 of this title]."

REPORT ON HEALTH CARE AND RESEARCH

Pub. L. 102-585, title I, §107, Nov. 4, 1992, 106 Stat. 4947, directed Secretary of Veterans Affairs to submit to Committees on Veterans' Affairs of Senate and House of Representatives a report, not later than Jan. 1, 1993, Jan. 1, 1994, and Jan. 1, 1995, on the provision of health care services and the conduct of research carried out by, or under the jurisdiction of, the Secretary relating to women veterans.

COORDINATION OF WOMEN'S SERVICES

Pub. L. 102-585, title I, §108, Nov. 4, 1992, 106 Stat. 4948, provided that: "The Secretary of Veterans Affairs shall ensure that an official in each regional office of the Veterans Health Administration shall serve as a coordinator of women's services. The responsibilities of such official shall include the following:

"(1) Conducting periodic assessments of the needs for services of women veterans within such region.

"(2) Planning to meet such needs.

"(3) Assisting in carrying out the purposes of section 106(b) of this title [set out above].

"(4) Coordinating the training of women veterans coordinators who are assigned to Department facilities in the region under the jurisdiction of such regional coordinator.

"(5) Providing appropriate technical support and guidance to Department facilities in that region with respect to outreach activities to women veterans."

POPULATION STUDY OF WOMEN VETERANS

Pub. L. 102-585, title I, §110, Nov. 4, 1992, 106 Stat. 4948, as amended by Pub. L. 103-452, title I, §102(c), Nov. 2, 1994, 108 Stat. 4786, provided that:

"(a) STUDY.—(1) The Secretary, subject to subsection (d), shall conduct a study to determine the needs of veterans who are women for health-care services. The study shall be based on an appropriate sample of veterans who are women.

"(2) Before carrying out the study, the Secretary shall request the advice of the Advisory Committee on Women Veterans on the conduct of the study.

"(3) In carrying out the study, the Secretary shall include in the sample veterans who are women and members of the Armed Forces serving on active duty who are women. If it is feasible to do so within the amounts available for the conduct of the study, the Secretary shall ensure that the sample referred to in paragraph (1) constitutes a representative sampling (as determined by the Secretary) of the ages, the ethnic, social and economic backgrounds, the enlisted and officer grades, and the branches of service of all veterans who are women.

"(b) REPORTS.—The Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives reports relating to the study as follows:

"(1) Not later than 9 months after the date of the enactment of this Act [Nov. 4, 1992], an interim report describing (A) the information and advice obtained by the Secretary from the Advisory Committee on Women Veterans, and (B) the status of the study.

"(2) Not later than December 31, 1995, a final report describing the results of the study.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the general operating expenses account of the Department of Veterans Affairs \$2,000,000 to carry out the purposes of this section. Amounts appropriated pursuant to this authorization of appropriations shall be available for obligation until expended without fiscal year limitation.

"(d) LIMITATION.—No funds may be used to conduct the study described in subsection (a) unless expressly provided for in an appropriation Act."

DEMONSTRATION PROJECT TO EVALUATE INSTALLATION OF TELEPHONES FOR PATIENT USE AT DEPARTMENT OF VETERANS AFFAIRS HEALTH-CARE FACILITIES

Pub. L. 102-585, title V, §525, Nov. 4, 1992, 106 Stat. 4960, directed Secretary of Veterans Affairs to carry out a demonstration project to evaluate feasibility and desirability of providing telephone service in patient rooms in Department of Veterans Affairs health-care facilities which do not currently provide such service, use of telephones by patients of such health-care facilities, and relative feasibility and cost-effectiveness of a variety of options for providing such service, and submit to Committees on Veterans' Affairs of Senate and House of Representatives a report on the demonstration project not later than Sept. 30, 1994.

REPORTS ON FURNISHING OF HEALTH CARE AND
IMPLEMENTATION OF CHANGES IN ELIGIBILITY

Section 19011(e) of Pub. L. 99-272, as amended by Pub. L. 100-527, §10(1), (2), Oct. 25, 1988, 102 Stat. 2640, 2641; Pub. L. 101-237, title II, §201(d), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102-40, title III, §302, May 7, 1991, 105 Stat. 208; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-291, §4, May 20, 1992, 106 Stat. 179, provided that:

“(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report for each fiscal year through fiscal year 1992 concerning the implementation of the amendments made by this section [amending sections 525, 601, 610, 612, 612A, 620, 622, and 663 [now 1525, 1701, 1710, 1712, 1712A, 1720, 1722, and 1763] of this title and enacting provisions set out as notes under sections 1710 and 1722 of this title].

“(2) Each report under paragraph (1) shall provide detailed information with respect to the fiscal year for which it is submitted regarding—

“(A) the number of veterans who received health care from the Department of Veterans Affairs during the fiscal year concerned (shown in total and separately for hospital care, nursing home care, outpatient care, and domiciliary care);

“(B) with respect to veterans who applied for health care from the Department of Veterans Affairs during such fiscal year but did not receive such care—

“(i) the number of such veterans (shown in total and separately for hospital care, nursing home care, outpatient care, and domiciliary care); and

“(ii) the primary reasons why such care was not furnished;

“(C) the guidelines and processes for—

“(i) implementation of the income-threshold criteria for Department of Veterans Affairs health-care eligibility established by paragraph (1)(I) and subparagraphs (A) and (B) of paragraph (2) of section 1710(a) [formerly 610(a)] of title 38, United States Code (as added by subsection (a)), paragraph (4) of section 1712(f) [formerly 612(f)] of such title (as added by subsection (b)), and section 1722 [formerly 622] of such title (as amended by subsection (c)); and

“(ii) the collection of payments required by section 1710(f) [formerly 610(f)] of such title (as added by subsection (a)(2)) and by section 1712(f)(4) [formerly 612(f)(4)] of such title (as added by subsection (b)(2));

“(D) the numbers and characteristics of, and the type and extent of health care furnished by the Department of Veterans Affairs to, veterans eligible for such care by reason of any such authorities, including—

“(i) with respect to those eligible by reason of each such authority, the numbers who applied for and were furnished such care, the type and extent of such care that they were furnished, and their incomes and family sizes; and

“(ii) with respect to veterans eligible by reason of section 1710(a)(2)(B) [formerly 610(a)(2)(B)] of such title, the average and total payments made by such veterans for such care (shown in total and separately for hospital care, nursing home care, and outpatient care); and

“(E) the numbers of, and the type and extent of health care furnished by the Department of Veterans Affairs to, veterans eligible for such care by reason of each clause of section 1710(a)(1) [formerly 610(a)(1)] of such title (shown in total and separately for veterans with service-connected disabilities for each percentile disability rating).

The report for fiscal year 1986 shall include information relating only to care furnished on or after July 1, 1986.

“(3) Each report under this subsection shall be submitted not later than the February 1 following the end of the fiscal year for which it is required.”

CHIROPRACTIC SERVICES PILOT PROGRAM

Section 109 of Pub. L. 99-166 directed Administrator of Veterans' Affairs to conduct a pilot program to

evaluate therapeutic benefits and cost-effectiveness of furnishing certain chiropractic services to veterans eligible for medical services under this chapter, provided that the pilot program be carried out during period beginning Jan. 1, 1986, and ending Dec. 31, 1988, and directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Apr. 1, 1989, a report on implementation, operation, and results of the pilot program.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1701, 1703, 1712, 1720B, 1720C, 1722, 1729, 1741, 2303, 5317, 8111A of this title; title 26 section 6103.

§ 1711. Care during examinations and in emergencies

(a) The Secretary may furnish hospital care incident to physical examinations where such examinations are necessary in carrying out the provisions of other laws administered by the Secretary.

(b) The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care at rates prescribed by the Secretary.

(c)(1) The Secretary may contract with any organization named in, or approved by the Secretary under, section 5902 of this title to provide for the furnishing by the Secretary, on a reimbursable basis (as prescribed by the Secretary), of emergency medical services to individuals attending any national convention of such organization, except that reimbursement shall not be required for services furnished under this subsection to the extent that the individual receiving such services would otherwise be eligible under this chapter for medical services.

(2) The authority of the Secretary to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1142, §611; Pub. L. 94-581, title II, §§202(e), 210(a)(2), Oct. 21, 1976, 90 Stat. 2856, 2862; Pub. L. 96-22, title II, §202, June 13, 1979, 93 Stat. 54; Pub. L. 96-128, title V, §501(a), Nov. 28, 1979, 93 Stat. 987; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1711 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1711 was renumbered section 3511 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 611 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (c)(1). Pub. L. 102-40 substituted “5902” for “3402”.

1979—Subsec. (c). Pub. L. 96-22 added subsec. (c).

Subsec. (c)(1). Pub. L. 96-128 substituted “named in, or approved by the Administrator under,” for “recognized by the Administrator for the purposes of”.

1976—Pub. L. 94-581, §202(e)(1), substituted “Care” for “Hospitalization” in section catchline.

Subsec. (a). Pub. L. 94-581, §210(a)(2)(A), substituted “administered by the Administrator” for “administered by him”.

Subsec. (b). Pub. L. 94-581, §§ 202(e)(2), 210(a)(2)(B), substituted "hospital care or medical services" for "hospital care", "the Administrator shall charge" for "he shall charge", and "prescribed by the Administrator" for "prescribed by him".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1712A, 1729, 2303, 8111 of this title.

§ 1712. Eligibility for outpatient services

(a)(1) Except as provided in subsection (b) of this section, the Secretary shall furnish on an ambulatory or outpatient basis such medical services as the Secretary determines are needed—

(A) to any veteran for a service-connected disability (including a disability that was incurred or aggravated in line of duty and for which the veteran was discharged or released from the active military, naval, or air service);

(B) for any disability of a veteran who has a service-connected disability rated at 50 percent or more;

(C) to any veteran for a disability for which the veteran is in receipt of compensation under section 1151 of this title or for which the veteran would be entitled to compensation under that section but for a suspension pursuant to that section (but in the case of such a suspension, such medical services may be furnished only to the extent that such person's continuing eligibility for medical services is provided for in the judgment or settlement described in that section); and

(D) during the period before December 31, 1995, for any disability in the case of a veteran who served on active duty in the Southwest Asia theater of operations during the Persian Gulf War and who the Secretary finds may have been exposed to a toxic substance or environmental hazard during such service, notwithstanding that there is insufficient medical evidence to conclude that the disability may be associated with such exposure.

(2) The Secretary shall furnish on an ambulatory or outpatient basis medical services for a purpose described in paragraph (5) of this subsection—

(A) to any veteran who has a service-connected disability rated at 30 percent or 40 percent; and

(B) to any veteran who is eligible for hospital care under section 1710(a) of this title and whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension that would be applicable to the veteran if the veteran were eligible for pension under section 1521(d) of this title.

(3) The Secretary may furnish on an ambulatory or outpatient basis medical services which the Secretary determines are needed—

(A) to any veteran who is a former prisoner of war;

(B) to any veteran of the Mexican border period or of World War I; and

(C) to any veteran who is in receipt of increased pension or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance).

(4) Subject to subsection (f) of this section, the Secretary may furnish on an ambulatory or outpatient basis medical services for a purpose described in paragraph (5) of this subsection to any veteran who is eligible for hospital care under section 1710 of this title and who is not otherwise eligible for such services under this subsection.

(5)(A) Medical services for a purpose described in this paragraph are medical services reasonably necessary in preparation for hospital admission or to obviate the need of hospital admission. In the case of a veteran described in paragraph (4) of this subsection, services to obviate the need of hospital admission may be furnished only to the extent that facilities are available.

(B) In the case of a veteran who has been furnished hospital care, nursing home care, or domiciliary care, medical services for a purpose described in this paragraph include medical services reasonably necessary to complete treatment incident to such care. Such medical services may not be provided for a period in excess of 12 months after discharge from such care. However, the Secretary may authorize a longer period in any case if the Secretary finds that a longer period is required by reason of the disability being treated.

(6) In addition to furnishing medical services under this subsection through Department facilities, the Secretary may furnish such services in accordance with section 1703 of this title.

(7) Medical services may not be furnished under paragraph (1)(D) with respect to a disability that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than an exposure described in that paragraph.

(b)(1) Outpatient dental services and treatment, and related dental appliances, shall be furnished under this section only for a dental condition or disability—

(A) which is service-connected and compensable in degree;

(B) which is service-connected, but not compensable in degree, but only if—

(i) the dental condition or disability is shown to have been in existence at the time of the veteran's discharge or release from active military, naval, or air service;

(ii) the veteran had served on active duty for a period of not less than 180 days or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days immediately before such discharge or release;

(iii) application for treatment is made within 90 days after such discharge or re-

lease, except that (I) in the case of a veteran who reentered active military, naval, or air service within 90 days after the date of such veteran's prior discharge or release from such service, application may be made within 90 days from the date of such veteran's subsequent discharge or release from such service, and (II) if a disqualifying discharge or release has been corrected by competent authority, application may be made within 90 days after the date of correction; and

(iv) the veteran's certificate of discharge or release from active duty does not bear a certification that the veteran was provided, within the 90-day period immediately before the date of such discharge or release, a complete dental examination (including dental X-rays) and all appropriate dental services and treatment indicated by the examination to be needed;

(C) which is a service-connected dental condition or disability due to combat wounds or other service trauma, or of a former prisoner of war;

(D) which is associated with and is aggravating a disability resulting from some other disease or injury which was incurred in or aggravated by active military, naval, or air service;

(E) which is a non-service-connected condition or disability of a veteran for which treatment was begun while such veteran was receiving hospital care under this chapter and such services and treatment are reasonably necessary to complete such treatment;

(F) from which a veteran who is a former prisoner of war and who was detained or interned for a period of not less than 90 days is suffering;

(G) from which a veteran who has a service-connected disability rated as total is suffering; or

(H) the treatment of which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter.

(2) The Secretary concerned shall at the time a member of the Armed Forces is discharged or released from a period of active military, naval, or air service of not less than 180 days or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days provide to such member a written explanation of the provisions of clause (B) of paragraph (1) of this subsection and enter in the service records of the member a statement signed by the member acknowledging receipt of such explanation (or, if the member refuses to sign such statement, a certification from an officer designated for such purpose by the Secretary concerned that the member was provided such explanation).

(3) The total amount which the Secretary may expend for furnishing, during any twelve-month period, outpatient dental services, treatment, or related dental appliances to a veteran under this section through private facilities for which the Secretary has contracted under clause (1), (2), or (5) of section 1703(a) of this title may not exceed \$1,000 unless the Secretary determines, prior to the furnishing of such services, treatment, or appliances and based on an examination of the

veteran by a dentist employed by the Department (or, in an area where no such dentist is available, by a dentist conducting such examination under a contract or fee arrangement), that the furnishing of such services, treatment, or appliances at such cost is reasonably necessary.

(4)(A) Except as provided in subparagraph (B) of this paragraph, in any year in which the President's Budget for the fiscal year beginning October 1 of such year includes an amount for expenditures for contract dental care under the provisions of subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection) and section 1703 of this title during such fiscal year in excess of the level of expenditures made for such purpose during fiscal year 1978, the Secretary shall, not later than February 15 of such year, submit a report to the appropriate committees of the Congress justifying the requested level of expenditures for contract dental care and explaining why the application of the criteria prescribed in section 1703 of this title for contracting with private facilities and in the second sentence of section 1710(c) of this title for furnishing incidental dental care to hospitalized veterans will not preclude the need for expenditures for contract dental care in excess of the fiscal year 1978 level of expenditures for such purpose. In any case in which the amount included in the President's Budget for any fiscal year for expenditures for contract dental care under such provisions is not in excess of the level of expenditures made for such purpose during fiscal year 1978 and the Secretary determines after the date of submission of such budget and before the end of such fiscal year that the level of expenditures for such contract dental care during such fiscal year will exceed the fiscal year 1978 level of expenditures, the Secretary shall submit a report to the appropriate committees of the Congress containing both a justification (with respect to the projected level of expenditures for such fiscal year) and an explanation as required in the preceding sentence in the case of a report submitted pursuant to such sentence. Any report submitted pursuant to this paragraph shall include a comment by the Secretary on the effect of the application of the criteria prescribed in the second sentence of section 1710(c) of this title for furnishing incidental dental care to hospitalized veterans.

(B) A report under subparagraph (A) of this paragraph with respect to a fiscal year is not required if, in the documents submitted by the Secretary to the Congress in justification for the amounts included for Department programs in the President's Budget, the Secretary specifies with respect to contract dental care described in such subparagraph—

(i) the actual level of expenditures for such care in the fiscal year preceding the fiscal year in which such Budget is submitted;

(ii) a current estimate of the level of expenditures for such care in the fiscal year in which such Budget is submitted; and

(iii) the amount included in such Budget for such care.

(c) Dental services and related appliances for a dental condition or disability described in paragraph (1)(B) of subsection (b) of this section

shall be furnished on a one-time completion basis, unless the services rendered on a one-time completion basis are found unacceptable within the limitations of good professional standards, in which event such additional services may be afforded as are required to complete professionally acceptable treatment.

(d) Dental appliances, wheelchairs, artificial limbs, trusses, special clothing, and similar appliances to be furnished by the Secretary under this section may be procured by the Secretary either by purchase or by manufacture, whichever the Secretary determines may be advantageous and reasonably necessary.

[(e) Repealed. Pub. L. 100-322, title I, §101(g)(1)(B), May 20, 1988, 102 Stat. 492.]

(f)(1) The Secretary may not furnish medical services under subsection (a) of this section (including home health services under section 1717 of this title) to a veteran who is eligible for hospital care under this chapter by reason of section 1710(a)(2) of this title unless the veteran agrees to pay to the United States the amount determined under paragraph (2) of this subsection.

(2) A veteran who is furnished medical services under subsection (a) of this section and who is required under paragraph (1) of this subsection to agree to pay an amount to the United States in order to be furnished such services shall be liable to the United States, in the case of each visit in which such services are furnished to the veteran, for an amount equal to 20 percent of the estimated average cost (during the calendar year in which the services are furnished) of an outpatient visit in a Department facility. Such estimated average cost shall be determined by the Secretary.

(3) This subsection does not apply with respect to home health services under section 1717 of this title to the extent that such services are for improvements and structural alterations.

(4) Amounts collected or received by the Department under this subsection shall be deposited in the Treasury as miscellaneous receipts.

[(g) Repealed. Pub. L. 100-322, title I, §101(e)(2)(B), May 20, 1988, 102 Stat. 492.]

(h) The Secretary shall furnish to each veteran who is receiving additional compensation or allowance under chapter 11 of this title, or increased pension as a veteran of a period of war, by reason of being permanently housebound or in need of regular aid and attendance, such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of any illness or injury suffered by such veteran. The Secretary shall continue to furnish such drugs and medicines so ordered to any such veteran in need of regular aid and attendance whose pension payments have been discontinued solely because such veteran's annual income is greater than the applicable maximum annual income limitation, but only so long as such veteran's annual income does not exceed such maximum annual income limitation by more than \$1,000.

(i) The Secretary shall prescribe regulations to ensure that special priority in furnishing medical services under this section and any other outpatient care with funds appropriated for the medical care of veterans shall be ac-

corded in the following order, unless compelling medical reasons require that such care be provided more expeditiously:

(1) To a veteran (A) who is entitled to such services under paragraph (1) or (2) of subsection (a) of this section, or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services.

(2) To a veteran (A) who has a service-connected disability rated at less than 30-percent disabling, or (B) who is being examined to determine the existence or severity of a service-connected disability.

(3) To a veteran (A) who is a former prisoner of war, or (B) who is eligible for hospital care under section 1710(e) of this title.

(4) To a veteran eligible for medical services under subsection (a)(3)(B) or (a)(3)(C) of this section.

(5) To a veteran not covered by paragraphs (1) through (4) of this subsection who is unable to defray the expenses of necessary care as determined under section 1722(a)(3) of this title.

(j) In order to assist the Secretary of Health and Human Services in carrying out national immunization programs under other provisions of law, the Secretary may authorize the administration of immunizations to eligible veterans who voluntarily request such immunizations in connection with the provision of care for a disability under this chapter in any Department health care facility. Any such immunization shall be made using vaccine furnished by the Secretary of Health and Human Services at no cost to the Department. For such purpose, notwithstanding any other provision of law, the Secretary of Health and Human Services may provide such vaccine to the Department at no cost. Section 7316 of this title shall apply to claims alleging negligence or malpractice on the part of Department personnel granted immunity under such section.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1142, §612; Pub. L. 86-639, §1, July 12, 1960, 74 Stat. 472; Pub. L. 87-377, §1, Oct. 4, 1961, 75 Stat. 806; Pub. L. 87-583, §2, Aug. 14, 1962, 76 Stat. 381; Pub. L. 88-430, Aug. 14, 1964, 78 Stat. 438; Pub. L. 88-450, §7, Aug. 19, 1964, 78 Stat. 504; Pub. L. 88-664, §8, Oct. 13, 1964, 78 Stat. 1096; Pub. L. 90-77, title II, §203(b), Aug. 31, 1967, 81 Stat. 183; Pub. L. 91-102, Oct. 30, 1969, 83 Stat. 168; Pub. L. 91-500, §§2, 3, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 91-588, §§4, 9(f), Dec. 24, 1970, 84 Stat. 1583, 1585; Pub. L. 93-82, title I, §103(a), Aug. 2, 1973, 87 Stat. 180; Pub. L. 94-581, title I, §103(a), title II, §§202(f), 210(a)(3), Oct. 21, 1976, 90 Stat. 2844, 2856, 2862; Pub. L. 95-588, title III, §302, Nov. 4, 1978, 92 Stat. 2506; Pub. L. 96-22, title I, §§101, 102(b), June 13, 1979, 93 Stat. 47; Pub. L. 96-151, title II, §§203, 204, Dec. 20, 1979, 93 Stat. 1094; Pub. L. 97-35, title XX, §2002(a), Aug. 13, 1981, 95 Stat. 781; Pub. L. 97-37, §§3(b), 5(b), (c), Aug. 14, 1981, 95 Stat. 936, 937; Pub. L. 97-72, title I, §§102(b), 103(a), (b), Nov. 3, 1981, 95 Stat. 1048, 1049; Pub. L. 97-295, §4(17), (95)(A), Oct. 12, 1982, 96 Stat. 1306, 1313; Pub. L. 99-166, title I, §104, Dec. 3, 1985, 99 Stat. 944; Pub. L. 99-272, title XIX, §§1901(b), 19012(c)(1), (2), Apr. 7, 1986, 100 Stat. 375, 382; Pub. L. 99-576, title II, §§202, 231(b), 237(b)(2), title VII,

§ 702(5), Oct. 28, 1986, 100 Stat. 3254, 3263, 3267, 3301; Pub. L. 100-322, title I, §§ 101(a)–(c), (d)(2), (e)(1), (2), (f), (g)(1), (h)(1), 106, May 20, 1988, 102 Stat. 489–492, 494; Pub. L. 101-508, title VIII, § 8013(b), Nov. 5, 1990, 104 Stat. 1388–346; Pub. L. 102-25, title III, § 334(a), (c), Apr. 6, 1991, 105 Stat. 88, 89; renumbered § 1712 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), (5), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102-86, title III, §§ 301, 302, Aug. 14, 1991, 105 Stat. 416; Pub. L. 102-585, title I, § 103, Nov. 4, 1992, 106 Stat. 4946; Pub. L. 103-210, § 1(b), Dec. 20, 1993, 107 Stat. 2496; Pub. L. 103-446, title XII, § 1201(d)(3), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 103-452, title I, §§ 101(e), 103(a)(2), Nov. 2, 1994, 108 Stat. 4784, 4786.)

AMENDMENT OF SECTION

For termination of amendment by section 8013(e) of Pub. L. 101-508, see Effective and Termination Dates of 1990 Amendment note below.

PRIOR PROVISIONS

Prior section 1712 was renumbered section 3512 of this title.

AMENDMENTS

1994—Subsec. (a)(1)(D). Pub. L. 103-452, § 103(a)(2), substituted “December 31, 1995” for “December 31, 1994”.

Subsec. (i)(1). Pub. L. 103-452, § 101(e)(1), inserted “(A)” after “To a veteran” and inserted before period at end “, or (B) who is eligible for counseling and care and services under section 1720D of this title, for the purposes of such counseling and care and services”.

Subsec. (i)(2). Pub. L. 103-452, § 101(e)(2), substituted “or (B)” for “, (B)” and struck out before period at end “, or (C) who is eligible for counseling under section 1720D of this title, for the purposes of such counseling”.

Subsec. (i)(5). Pub. L. 103-446, § 1201(d)(3)(A), substituted “section 1722(a)(3)” for “section 1722(a)(1)(C)”.

Subsec. (j). Pub. L. 103-446, § 1201(d)(3)(B), substituted “Section 7316” for “Section 4116”.

1993—Subsec. (a)(1)(D). Pub. L. 103-210, § 1(b)(1), added subpar. (D).

Subsec. (a)(7). Pub. L. 103-210, § 1(b)(2), added par. (7).

1992—Subsec. (i)(2)(C). Pub. L. 102-585 added cl. (C).

1991—Pub. L. 102-83, § 5(a), renumbered section 612 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (a)(1)(C). Pub. L. 102-83, § 5(c)(1), substituted “1151” for “351”.

Subsec. (a)(2)(B). Pub. L. 102-83, § 5(c)(1), substituted “1710(a)” for “610(a)”, “1503” for “503”, and “1521(d)” for “521(d)”.

Subsec. (a)(4). Pub. L. 102-83, § 5(c)(1), substituted “1710” for “610”.

Subsec. (a)(6). Pub. L. 102-83, § 5(c)(1), substituted “1703” for “603”.

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b)(1)(B)(ii). Pub. L. 102-25, § 334(a), inserted “or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days” after “180 days”.

Subsec. (b)(1)(H). Pub. L. 102-86, § 301, amended subsec. (b)(1) of this section as in effect before the redesignations made by Pub. L. 102-83, § 5, by adding subpar. (H).

Subsec. (b)(2). Pub. L. 102-25, § 334(a), inserted “or, in the case of a veteran who served on active duty during the Persian Gulf War, 90 days” after “180 days”.

Subsec. (b)(3). Pub. L. 102-86, § 302, amended subsec. (b) of this section as in effect before the redesignations made by Pub. L. 102-83, § 5, by substituting “\$1,000” for “\$500”.

Pub. L. 102-83, § 5(c)(1), substituted “1703(a)” for “603(a)”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (b)(4). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b)(4)(A). Pub. L. 102-83, § 5(c)(1), substituted in two places “1703” for “603” and “1710(c)” for “610(c)”.

Subsec. (b)(4)(B). Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in introductory provisions.

Subsec. (d). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (f). Pub. L. 102-83, § 5(c)(1), substituted “1717” for “617” and “1710(a)(2)” for “610(a)(2)” in par. (1) and “1717” for “617” in par. (3).

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in pars. (1) and (2).

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in pars. (2) and (4).

Subsec. (h). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-25, § 334(c), substituted “a period of war” for “the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era”.

Subsec. (i). Pub. L. 102-83, § 5(c)(1), substituted “1710(e)” for “610(e)” in par. (3) and “1722(a)(1)(C)” for “622(a)(1)(C)” in par. (5).

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions.

Subsec. (j). Pub. L. 102-83, § 4(b)(5), substituted “the Secretary of Health and Human Services” for “the Secretary” in second and third sentences.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in first sentence.

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

1990—Subsec. (f)(1). Pub. L. 101-508, § 8013(b)(1), (e), temporarily substituted “section 610(a)(2)” for “section 610(a)(2)(B)”. See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (f)(3) to (7). Pub. L. 101-508, § 8013(b)(2), (3), (e), temporarily redesignated pars. (5) and (7) as (3) and (4), respectively, and struck out former pars. (3), (4), and (6) which read as follows:

“(3) A veteran may not be required to make a payment under this subsection for services furnished under subsection (a) of this section during any 90-day period to the extent that such payment would cause the total amount paid by the veteran under this subsection for medical services furnished during that period and under section 610(f) of this title for hospital and nursing home care furnished during that period to exceed the amount of the inpatient Medicare deductible in effect on the first day of such 90-day period.

“(4) A veteran may not be required to make a payment under this subsection if such payment would result in the veteran paying, under this subsection and section 610(f) of this title, a total amount greater than four times the amount of the inpatient Medicare deductible for care or services, or any combination thereof, furnished under this chapter during any 365-calendar-day period.

“(6) For the purposes of this subsection, the term ‘inpatient Medicare deductible’ means the amount of the inpatient hospital deductible in effect under section 1813(b) of the Social Security Act (42 U.S.C. 1395e(b)).” See Effective and Termination Dates of 1990 Amendment note below.

1988—Pub. L. 100-322, § 101(h)(1), substituted “Eligibility for outpatient services” for “Eligibility for medical treatment” in section catchline.

Subsec. (a)(1). Pub. L. 100-322, § 101(a), substituted “shall furnish on an ambulatory or outpatient basis” for “may furnish” in introductory provisions and added subpar. (C).

Subsec. (a)(2). Pub. L. 100-322, § 101(b)(1), (3), added par. (2) and struck out former par. (2) which read as follows: “Subject to subsection (k) of this section, as part of medical services furnished to a veteran under para-

graph (1) of this subsection, the Administrator may furnish to the veteran such home health services as the Administrator finds to be necessary or appropriate for the effective and economical treatment of such disability (including only such improvements and structural alterations the cost of which does not exceed \$2,500 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment for such disability or to provide access to the home or to essential lavatory and sanitary facilities)."

Subsec. (a)(3) to (6). Pub. L. 100-322, §101(b)(2), (3), added pars. (3) to (5) and redesignated former par. (3) as (6).

Subsec. (b)(1)(B)(i). Pub. L. 100-322, §101(f)(1), substituted "at the time of the veteran's" for "at time of".

Subsec. (b)(1)(B)(ii). Pub. L. 100-322, §101(f)(2), substituted "180 days" for "one hundred and eighty days".

Subsec. (b)(1)(B)(iii). Pub. L. 100-322, §101(f)(3), substituted "90 days" for "ninety days" in four places.

Subsec. (b)(1)(B)(iv). Pub. L. 100-322, §101(f)(4), substituted "90-day" for "ninety-day".

Subsec. (b)(1)(F). Pub. L. 100-322, §§101(g)(1)(A), 106, redesignated subpar. (G) as (F), substituted "90 days" for "six months", and struck out former subpar. (F) which read as follows: "from which a veteran of the Spanish-American War or Indian wars is suffering;"

Subsec. (b)(1)(G), (H). Pub. L. 100-322, §101(g)(1)(A), redesignated subpar. (H) as (G). Former subpar. (G) redesignated (F).

Subsec. (b)(4)(A). Pub. L. 100-322, §101(e)(2)(A), substituted "subsection (a) of this section (other than paragraphs (3)(B) and (3)(C) of that subsection)" for "subsections (a) and (f) of this section".

Subsec. (e). Pub. L. 100-322, §101(g)(1)(B), struck out subsec. (e) which read as follows: "Any disability of a veteran of the Spanish-American War or Indian Wars, upon application for the benefits of this section or outpatient medical services under section 624 of this title, shall be considered for the purposes thereof to be a service-connected disability incurred or aggravated in a period of war."

Subsec. (f)(1). Pub. L. 100-322, §101(e)(1)(A)-(C), redesignated par. (4)(A) as par. (1), substituted "under subsection (a) of this section (including home health services under section 617 of this title)" for "under this subsection (including home health services under paragraph (2) of this subsection)" and "paragraph (2) of this subsection" for "subparagraph (B) of this paragraph", and struck out former par. (1) which read as follows: "Except as provided in paragraph (4) of this subsection, the Administrator may furnish medical services for any disability on an outpatient or ambulatory basis—

"(A) to any veteran eligible for hospital care under section 610 of this title (i) if such services are reasonably necessary in preparation for, or (to the extent that facilities are available) to obviate the need of, hospital admission, or (ii) if such a veteran has been furnished hospital care, nursing home care, or domiciliary care and such medical services are reasonably necessary to complete treatment incident to such care (for a period not in excess of twelve months after discharge from such treatment, except where the Administrator finds that a longer period is required by virtue of the disability being treated); and

"(B) to any veteran who is a former prisoner of war."

Subsec. (f)(2). Pub. L. 100-322, §101(e)(1)(D)-(F), redesignated par. (4)(B) as (2), substituted "subsection (a) of this section and who is required under paragraph (1) of this subsection" for "this subsection and who is required under subparagraph (A) of this paragraph", and struck out former par. (2) which read as follows: "Subject to subsection (k) of this section, as part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of a veteran (including only such improvements and structural alterations the cost of which does not exceed

\$600 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to the home or to essential lavatory and sanitary facilities)."

Subsec. (f)(3). Pub. L. 100-322, §101(e)(1)(A), (D), (E), (G), redesignated par. (4)(C) as (3), substituted "under this subsection for services furnished under subsection (a) of this section" for "under this paragraph for services furnished under this subsection" and "veteran under this subsection" for "veteran under this paragraph", and struck out former par. (3) which read as follows: "In addition to furnishing medical services under this subsection through Veterans' Administration facilities, the Administrator may furnish such services in accordance with section 603 of this title."

Subsec. (f)(4). Pub. L. 100-322, §101(e)(1)(D), redesignated par. (4)(D) as (4).

Subsec. (f)(5). Pub. L. 100-322, §101(e)(1)(D), (H), redesignated par. (4)(E) as (5) and substituted "under section 617 of this title" for "under this subsection".

Subsec. (f)(6). Pub. L. 100-322, §101(e)(1)(D), (E), redesignated par. (4)(F) as (6) and substituted "this subsection" for "this paragraph".

Subsec. (f)(7). Pub. L. 100-322, §101(e)(1)(D), (E), redesignated par. (4)(G) as (7) and substituted "this subsection" for "this paragraph".

Subsec. (g). Pub. L. 100-322, §101(e)(2)(B), struck out subsec. (g) which read as follows:

"(1) The Administrator may furnish medical services which the Administrator determines are needed to a veteran—

"(A) who is a veteran of the Mexican border period or of World War I; or

"(B) who is in receipt of increased pension or additional compensation or allowances based on the need of regular aid and attendance or by reason of being permanently housebound (or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance).

"(2) As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran home health services under the terms and conditions set forth in subsection (f) of this section.

"(3) In addition to furnishing medical services under this subsection through Veterans' Administration facilities, the Administrator may furnish such services in accordance with section 603 of this title."

Subsec. (i). Pub. L. 100-322, §101(c), added pars. (1) to (5) and struck out former pars. (1) to (6) which read as follows:

"(1) To any veteran for a service-connected disability.

"(2) To any veteran described in subsection (f)(2) of this section.

"(3) To any veteran with a disability rated as service-connected (including any veteran being examined to determine the existence or rating of a service-connected disability).

"(4) To any veteran (A) who is a former prisoner of war, or (B) who is eligible for care under section 610(a)(5) of this title.

"(5) To any veteran being furnished medical services under subsection (g) of this section.

"(6) To any veteran who is in receipt of pension under section 521 of this title."

Subsec. (k). Pub. L. 100-322, §101(d)(2), transferred subsec. (k) to section 617(a)(3) of this title.

1986—Subsec. (a). Pub. L. 99-272, §19011(b)(1), substituted par. (1) for "Except as provided in subsection (b) of this section, the Administrator, within the limits of Veterans' Administration facilities, may furnish such medical services as the Administrator finds to be reasonably necessary to any veteran for a service-connected disability.", designated second sentence of existing provision as par. (2), substituted "As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran" for "The Administrator may also furnish to any such veteran", struck out provision that

in the case of a veteran discharged or released from active military, naval, or air service for a disability incurred or aggravated in the line of duty, services may be provided for that disability, whether or not service-connected for the purposes of this chapter, and added par. (3).

Subsec. (a)(2). Pub. L. 99-576, §202(1), substituted "Subject to subsection (k) of this section, as" for "As".

Subsec. (b)(3). Pub. L. 99-272, §19012(c)(1), substituted "clause (1), (2), or (5) of section 603(a)" for "clause (i), (ii), or (v) of section 601(4)(C)".

Subsec. (b)(4). Pub. L. 99-576, §231(b), designated existing provisions as subpar. (A), substituted "Except as provided in subparagraph (B) of this paragraph, in" for "In", and added subpar. (B).

Pub. L. 99-272, §19012(c)(2), substituted "section 603" for "section 601(4)(C)" in two places.

Subsec. (f). Pub. L. 99-272, §19011(b)(2), designated existing first sentence as par. (1), substituted "Except as provided in paragraph (4) of this subsection, the Administrator may" for "The Administrator, within the limits of Veterans' Administration facilities, may", redesignated former cl. (1) as cl. (A) and subcls. (A) and (B) as subcls. (i) and (ii), inserted "and" after "being treated"; struck out par. (2), which related to any veteran who had a service-connected disability rated at 50 percent or more, and redesignated cl. (3) as cl. (B); designated existing second sentence as par. (2) and substituted "As part of medical services furnished to a veteran under paragraph (1) of this subsection, the Administrator may furnish to the veteran" for "The Administrator may also furnish to any such veteran"; struck out provision authorizing the Administrator to furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsec. (b)(1)(G) of this section; and added pars. (3) and (4).

Subsec. (f)(2). Pub. L. 99-576, §202(1), substituted "Subject to subsection (k) of this section, as" for "As".

Subsec. (f)(4)(D) to (G). Pub. L. 99-576, §237(b)(2), added subpar. (D) and redesignated former subpars. (D) to (F) as (E) to (G), respectively.

Subsec. (g). Pub. L. 99-272, §19011(b)(3), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "In the case of any veteran who is a veteran of the Mexican border period or of World War I or who is in receipt of increased pension or additional compensation or allowance based on the need of regular aid and attendance or by reason of being permanently housebound, or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance, the Administrator, within the limits of Veterans' Administration facilities, may furnish the veteran such medical services as the Administrator finds to be reasonably necessary. The Administrator may also furnish to any such veteran home health services under the terms and conditions set forth in subsection (f) of this section."

Subsec. (i)(6). Pub. L. 99-272, §19011(b)(4), added par. (6).

Subsec. (j). Pub. L. 99-576, §702(5), substituted "programs under other provisions" for "programs pursuant to other provisions", "veterans who voluntarily request such immunizations" for "veterans (voluntarily requesting such immunizations)", "facility. Any such immunization shall be made using" for "facility, utilizing", "Administration. For such purpose, notwithstanding any other provision of law, the Secretary may provide" for "Administration, and for such purpose, notwithstanding any other provision of law, the Secretary is authorized to provide", and "cost. Section 4116" for "cost and the provisions of section 4116".

Subsec. (k). Pub. L. 99-576, §202(2), added subsec. (k). 1985—Subsec. (f)(1). Pub. L. 99-166 substituted "if" for "where" after "(A)" and "(B)", inserted "nursing home care, or domiciliary care", struck out "hospital" after "treatment incident to such", and substituted "from such treatment" for "from in-hospital treatment".

1982—Subsec. (a). Pub. L. 97-295, §4(17)(A), (B), inserted "of this section" after "subsection (b)", and substituted "facilities" for "facilities" after "sanitary".

Subsec. (f)(2). Pub. L. 97-295, §4(17)(C), substituted "percent" for "per centum".

Subsec. (h). Pub. L. 97-295, §4(17)(D), inserted "of this title" after "chapter 11".

Subsec. (i). Pub. L. 97-295, §4(17)(E), substituted "The" for "Not later than ninety days after the effective date of this subsection, the" at the beginning.

Subsec. (j). Pub. L. 97-295, §4(95)(A), substituted "Health and Human Services" for "Health, Education, and Welfare".

1981—Subsec. (b). Pub. L. 97-72, §103(a), divided existing provisions into pars. (1), (2), (3), and (4), redesignated cls. (1) through (8) as subpars. (A) through (H) of par. (1) as redesignated, made internal substitutions reflecting new number and letter designations, and, in par. (1)(B) as redesignated, inserted provisions set out in par. (1)(B)(ii), (iii)(I), and (iv).

Pub. L. 97-37, §3(b), in cl. (7) substituted "from which a veteran who is a former prisoner of war and who was detained or interned for a period of not less than six months is suffering" for "from which any veteran of World War I, World War II, the Korean conflict, or the Vietnam era who was held as a prisoner of war for a period of not less than six months is suffering".

Pub. L. 97-35 inserted provisions requiring the Secretary concerned to furnish a discharged or released member of the Armed Forces a written explanation concerning the provisions of cl. (2) of this subsection, and in cl. (2) added subcl. (B) and (D), and redesignated former subcl. (B) as (C) and, as so redesignated, substituted "90 days" for "one year" in two places.

Subsec. (c). Pub. L. 97-72, §103(b)(1), substituted "paragraph (1)(B)" for "clause (2)".

Subsec. (f). Pub. L. 97-72, §103(b)(2), substituted "clause (G) of subsection (b)(1)" for "subsection (b)(7)".

Subsec. (f)(3). Pub. L. 97-37, §5(b), added cl. (3).

Subsec. (i)(4). Pub. L. 97-72, §102(b), designated existing provisions relating to former prisoners of war as cl. (A) and added cl. (B) relating to veterans who are eligible for care under section 610(a)(5) of this title.

Pub. L. 97-37, §5(c), added cl. (4). Former cl. (4) redesignated (5).

Subsec. (i)(5). Pub. L. 97-37, §5(c)(1), redesignated former cl. (4) as (5).

1979—Subsec. (b). Pub. L. 96-151, §203, inserted provisions relating to the total amount the Administrator may expend.

Pub. L. 96-22, §102(b)(1), added pars. (7) and (8) and inserted provisions following par. (8).

Subsec. (f). Pub. L. 96-22, §102(b)(2), authorized the Administrator to furnish outpatient dental services and treatment, and related appliances, to any veteran described in subsec. (b)(7) of this section.

Subsec. (g). Pub. L. 96-151, §204, inserted provisions relating to particular applicability to Mexican border period or World War I veterans, and provisions relating to furnishing by the Administrator of home health care services.

Subsec. (i)(3). Pub. L. 96-22, §101, inserted "(including any veteran being examined to determine the existence or rating of a service-connected disability)" after "with a disability rated as service connected".

1978—Subsec. (h). Pub. L. 95-588 substituted "\$1,000" for "\$500".

1976—Subsec. (a). Pub. L. 94-581, §§103(a)(1), 210(a)(3)(A), inserted provisions which authorized the Administrator to furnish such home health services as the Administrator finds to be necessary or appropriate for the effective and economical treatment of the disability (including only such improvements and structural alterations the cost of which does not exceed \$2,500 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment for the disability or to provide access to the home or to essential lavatory and sanitary facilities), and in the existing provisions substituted "as the Administrator finds" for "as he finds".

Subsec. (b). Pub. L. 94-581, §103(a)(2), added par. (5) and redesignated former par. (5) as (6).

Subsec. (d). Pub. L. 94-581, §210(a)(3)(B), substituted "procured by the Administrator" for "procured by

him" and "whichever the Administrator determines" for "whichever he determines".

Subsec. (e). Pub. L. 94-581, § 202(f)(1), substituted "Indian Wars" for "Indian wars".

Subsec. (f). Pub. L. 94-581, §§ 103(a)(3)-(7), 202(f)(2), substituted "within the limits of Veterans' Administration facilities, may furnish" for "may also furnish" in provisions preceding par. (1), substituted "or (to the extent that facilities are available) to obviate" for "or to obviate" in cl. (A) of par. (1), substituted "furnished" for "granted" in existing provisions of cl. (B) of par. (1) and inserted "(for a period not in excess of twelve months after discharge from in-hospital treatment, except where the Administrator finds that a longer period is required by virtue of the disability being treated)" at end, substituted "50 per centum" for "80 per centum" in par. (2), and inserted, after par. (2), provision authorizing the Administrator to furnish to the veteran such home health services as the Administrator determines to be necessary or appropriate for the effective and economical treatment of a disability of the veteran (including only such improvements and structural alterations the cost of which does not exceed \$600 (or reimbursement up to such amount) as are necessary to assure the continuation of treatment or provide access to the home or to essential lavatory and sanitary facilities).

Subsec. (g). Pub. L. 94-581, §§ 202(f)(3), 210(a)(3)(C), inserted ", within the limits of Veterans' Administration facilities," after "the Administrator" and substituted "as the Administrator finds" for "as he finds".

Subsec. (h). Pub. L. 94-581, § 210(a)(3)(D), substituted "such veteran's annual income is greater" for "his annual income is greater" and "such veteran's annual income does not exceed" for "his annual income does not exceed".

Subsecs. (i), (j). Pub. L. 94-581, § 103(a)(8), added subsecs. (i) and (j).

1973—Subsec. (f). Pub. L. 93-82 substituted provisions relating to the furnishing of medical services for any disability on an outpatient or ambulatory basis to veterans eligible for hospital care where such services are necessary in preparation for, or to obviate the need of, hospital admission, or where such veteran has been granted hospital care and such medical services are reasonably necessary to complete treatment incident to such hospital care and to veterans who have a service-connected disability rated at 80 per centum or more for provisions relating to the furnishing of medical services for a non-service connected disability where such care is reasonably necessary in preparation for admission of a veteran who has been determined to need hospital care and who has been scheduled for admission, where a veteran has been granted hospital care, and outpatient care is reasonably necessary to complete treatment incident to such hospital care, and where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability.

1970—Subsec. (g). Pub. L. 91-500, § 2, extended the authority of the Administrator to furnish medical services as he finds necessary to veterans permanently housebound or receiving pension or compensation based on need of regular aid and attendance and struck out conditions limiting such medical care to veterans hospitalized or suffering from one or more of the six specific conditions or diseases enumerated.

Subsec. (h). Pub. L. 91-588 inserted reference to Mexican border period and authorized the Administrator to continue furnishing drugs and medicine so ordered by any veteran in need of regular aid and attendance whose pension payments have been discontinued solely because his annual income is greater than the applicable maximum annual income limitation, but only so long as his annual income does not exceed such maximum annual income limitation by more than \$500.

Pub. L. 91-500, § 3, authorized furnishing of drugs and medicines to veterans receiving additional compensation or allowance or increased pension by reason of being "permanently housebound".

1969—Subsec. (f)(3). Pub. L. 91-102 added par. (3).

1967—Subsec. (h). Pub. L. 90-77 imposed the obligation of furnishing drugs and medicines on the Administrator and extended such medical benefits to veterans receiving additional compensation under chapter 11 and veterans of the Vietnam era.

1964—Subsec. (b)(2). Pub. L. 88-430 permitted an application for treatment to be made within one year after a disqualifying discharge or release has been corrected, or the date of enactment of this exception, whichever is later.

Subsec. (g). Pub. L. 88-450 added subsec. (g).

Subsec. (h). Pub. L. 88-664 added subsec. (h).

1962—Subsec. (a). Pub. L. 87-583 provided for medical service to any veteran for a service-connected disability instead of to a veteran of any war, to a veteran discharged or released from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or to a person who is in receipt of, but for the receipt of retirement pay would be entitled to, disability compensation.

1961—Subsecs. (b)(5), (e). Pub. L. 87-377 inserted "or Indian wars" after "Spanish-American War".

1960—Subsec. (f). Pub. L. 86-639 added subsec. (f).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-210 effective as of Aug. 2, 1990, see section 1(c)(1) of Pub. L. 103-210, set out as a note under section 1710 of this title.

EFFECTIVE AND TERMINATION DATES OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 to remain in effect through the period covered by Pub. L. 102-145, see section 111 of Pub. L. 102-145, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101-508 to remain in effect through the period covered by Pub. L. 102-109, see section 111 of Pub. L. 102-109, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101-508 applicable with respect to hospital care and medical services received after Nov. 5, 1990, and expires Sept. 30, 1998, see section 8013(d) and (e) of Pub. L. 101-508, as amended, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 101(a)-(c), (d)(2), (e)(1), (2), (f), (g)(1), (h)(1) of Pub. L. 100-322 applicable with respect to furnishing of medical services to veterans who apply for such services after June 30, 1988, see section 101(i) of Pub. L. 100-322, set out as a note under section 1703 of this title.

EFFECTIVE DATE OF 1986 AMENDMENTS

Amendment by section 237(b)(2) of Pub. L. 99-576 effective Apr. 7, 1986, see section 237(c) of Pub. L. 99-576, set out as a note under section 1710 of this title.

Amendment by section 19011(b) of Pub. L. 99-272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 19011(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1981 AMENDMENTS

Amendment by section 5(b), (c) of Pub. L. 97-37 effective Oct. 1, 1981, see section 5(d) of Pub. L. 97-37, set out as a note under section 1710 of this title.

Section 2002(b) of Pub. L. 97-35 provided that:

"(b)(1) The amendments made by clauses (1)(A), (1)(C), and (2) of subsection (a) [amending this section] shall take effect on October 1, 1981.

"(2) The amendment made by clause (1)(B) of subsection (a) [amending this section] shall apply only to veterans discharged or released from active military, naval, or air service after September 30, 1981."

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-151 effective Jan. 1, 1980, see section 206 of Pub. L. 96-151, set out as a note under section 111 of this title.

Amendment by section 102(b) of Pub. L. 96-22 effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-588 effective Jan. 1, 1979, see section 401 of Pub. L. 95-588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10(a) of Pub. L. 91-588, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-664 effective Jan. 1, 1965, see section 11 of Pub. L. 88-664, set out as a note under section 1503 of this title.

DISABILITY OF VETERANS OF SPANISH-AMERICAN WAR

Section 101(g)(2) of Pub. L. 100-322, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: "Any disability of a veteran of the Spanish-American War, upon application for outpatient medical services under section 1712 or 1724 of title 38, United States Code, shall be considered for the purposes thereof to be a service-connected disability [sic] and, for the purposes of section 1712(b) of such title, to be compensable in degree."

PILOT PROGRAM OF MOBILE HEALTH-CARE CLINICS

Section 113 of Pub. L. 100-322 authorized Administrator of Veterans' Affairs to conduct a pilot program under which eligible veterans residing in areas which are at least 100 miles from the nearest Veterans' Administration health-care facility are furnished health-care services at a location convenient to their residences by Veterans' Administration employees furnishing such services through the use of appropriately equipped mobile health-care clinics, provided that the pilot program be conducted for a period of not less than 24 months, and required Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives interim and final reports on the project.

PILOT PROGRAM OF COMMUNITY-BASED RESIDENTIAL CARE FOR HOMELESS CHRONICALLY MENTALLY ILL AND OTHER VETERANS

Section 115(a)-(f) of Pub. L. 100-322, as amended by Pub. L. 101-237, title II, §201(c), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102-83, §§5(c)(2), 6(j)(1), Aug. 6, 1991, 105 Stat. 406, 409; Pub. L. 102-405, title I, §107(h), Oct. 9, 1992, 106 Stat. 1978; Pub. L. 103-452, title I, §103(e), Nov. 2, 1994, 108 Stat. 4787, provided that:

"(a) **AUTHORITY FOR PROGRAM.**—(1) The Secretary of Veterans Affairs shall conduct a pilot program to provide care and treatment and rehabilitative services (directly or by contract) in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities to homeless veterans suffering from chronic mental ill-

ness disabilities who are eligible for care under section 1710(a)(1) of title 38, United States Code.

"(2) As part of the pilot program, the Secretary may also provide such care and treatment and rehabilitative services—

"(A) to veterans being furnished hospital or nursing home care by the Secretary for a chronic mental illness disability; and

"(B) to veterans with service-connected chronic mental illness disabilities.

"(b) **CRITERIA FOR FACILITIES.**—Before furnishing care and treatment and rehabilitative services by contract under subsection (a) to a veteran through a facility described in subsection (a), the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(c) **IN-KIND ASSISTANCE.**—The Secretary may provide in-kind assistance (through the services of Department of Veterans Affairs employees and the sharing of other Department of Veterans Affairs resources) to a facility described in subsection (a) under this section. Any such in-kind assistance shall be provided under a contract between the Department of Veterans Affairs and the contract facility. The Secretary may provide such assistance only for use solely in the furnishing of appropriate care and services under this section and only if, under such contract, the Department of Veterans Affairs receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department of Veterans Affairs facility that provided the assistance.

"(d) **DURATION OF PROGRAM.**—The authority for the pilot program authorized by this section expires on September 30, 1995.

"(e) **REPORT.**—Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience of the Veterans' Administration under the pilot program through September 30, 1988, and the recommendation of the Administrator (together with the reasons for such recommendation) as to whether the pilot program should be continued.

"(f) **FUNDING.**—(1) There is authorized to be appropriated for the pilot program under this section \$6,000,000 for each of fiscal years 1988 and 1989.

"(2) Of the amounts appropriated for the pilot program for each such fiscal year, not less than \$250,000 shall be expended for management and monitoring of the program to ensure that a high quality of care is provided under the program and to ensure an accurate accounting of funds for the program.

"(3) During fiscal year 1989, funds may not be obligated for the pilot program under this section other than funds specifically appropriated for that program."

[Pub. L. 101-110, §1(b), Oct. 6, 1989, 103 Stat. 682, provided that: "Notwithstanding the provisions of subsection (d) of section 115 of the Veterans Benefits and Services Act of 1988 (Public Law 100-322) [set out above, which prior to amendment by Pub. L. 101-237 contained pilot program expiration date of Sept. 30, 1989], the authority for the pilot program authorized by such section shall expire on November 30, 1989."]

[For provisions ratifying actions taken by the Secretary of Veterans Affairs between Oct. 1, 1989, and Oct. 6, 1989, in carrying out section 115 of Pub. L. 100-322, set out above, see section 3(b) of Pub. L. 101-110, set out as a note under section 1720B of this title.]

[For provisions ratifying actions taken by the Secretary of Veterans Affairs between Dec. 1, 1989, and Dec. 18, 1989, in carrying out section 115 of Pub. L. 100-322, set out above, see section 604 of Pub. L. 101-237, set out as a note under section 1720B of this title.]

REPORT ON TREATMENT AND SERVICES FOR
CHRONICALLY MENTALLY ILL VETERANS

Section 114 of Pub. L. 100-322 directed that the report required by section 235 of Pub. L. 99-576 [see below] include additional information about veterans being treated by the Veterans' Administration for mental illness disabilities who were furnished hospital, domiciliary, or nursing home care by the Administrator during fiscal years 1986, 1987, and 1988, and extended the deadline for submission of the report to not later than Dec. 15, 1988.

Section 235 of Pub. L. 99-576 directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Dec. 15, 1987, a report on Administrator's current use of authority to contract for care and treatment, and for rehabilitative services, for chronically mentally ill veterans through various types of facilities and to furnish home health services to such veterans in such veterans' homes or in other settings in which they reside.

VETERANS DISCHARGED OR RELEASED FROM ACTIVE
SERVICE WHO REENTERED SUCH SERVICE WITHIN ONE
YEAR, AND WERE DISCHARGED OR RELEASED BEFORE
AUGUST 13, 1981

Section 103(c) of Pub. L. 97-72, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

“(1) Section 1712(b)(1)(B)(iii)(I) [formerly 612(b)(1)(B)(iii)(I)] of title 38, United States Code, shall apply only to veterans discharged or released from active military, naval, or air service after August 12, 1981.

“(2) A veteran who before August 13, 1981—

“(A) was discharged or released from active military, naval, or air service,

“(B) reentered such service within one year after the date of such discharge or release, and

“(C) was discharged or released from such subsequent service,

may be provided dental services and treatment in the same manner as provided for in section 1712(b) [formerly 612(b)] of title 38, United States Code, if the veteran is otherwise eligible for such services and treatment and if application for such services and treatment is or was made within one year from the date of such subsequent discharge or release.”

STUDY OF HOME MODIFICATIONS FOR TOTALLY BLINDED
SERVICE-CONNECTED VETERANS; REPORT NOT LATER
THAN OCTOBER 1, 1979

Section 505 of Pub. L. 96-22 directed Administrator of Veterans' Affairs to submit a report to Committees on Veterans' Affairs of Senate and House of Representatives not later than Oct. 1, 1979, on needs of veterans who are totally blind from service-connected causes for home modifications the cost of which would exceed the amount allowable for such purposes under subsec. (a) of this section and on reasons why such veterans have not applied for home health services.

ANNUAL REPORT TO CONGRESS ON RESULTS OF REGULA-
TIONS PRESCRIBED TO CARRY OUT SPECIAL PRIOR-
ITIES IN FURNISHING MEDICAL SERVICES

Section 103(b) of Pub. L. 94-581, as amended by Pub. L. 100-527, §10(1), Oct. 25, 1988, 102 Stat. 2640; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: “Not later than one year after the effective date of this section [Oct. 21, 1976], and annually thereafter, the Secretary of Veterans Affairs shall report to the Congress on the results of the regulations prescribed to carry out the amendment (adding section 1712(i) [formerly 612(i)] of title 38, United States Code) made by subsection (a)(8) of this section.”

NOTIFICATION TO ELIGIBLE INDIVIDUALS OF EXPANDED
CARE AND SERVICES AVAILABLE AS RESULT OF
AMENDMENTS BY VETERANS OMNIBUS HEALTH CARE
ACT OF 1976

Section 117(b) of Pub. L. 94-581 directed Administrator, not later than ninety days after Oct. 21, 1976, to

take all appropriate steps to ensure that each individual eligible for new or expanded services as a result of amendments made by Veterans Omnibus Health Care Act of 1976 (Pub. L. 94-581) was personally notified about his or her eligibility and the way to secure care and services and directed Administrator to send copies of all notification forms to appropriate House and Senate committees, along with a description of how the forms were distributed.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1525, 1701, 1703, 1710, 1712A, 1717, 1718, 1720, 1722, 1729, 2104, 5317, 8110, 8111A of this title; title 26 section 6103.

**§ 1712A. Eligibility for readjustment counseling
and related mental health services**

(a)(1) Upon the request of any veteran who served on active duty during the Vietnam era, the Secretary shall, within the limits of Department facilities, furnish counseling to such veteran to assist such veteran in readjusting to civilian life. Such counseling shall include a general mental and psychological assessment to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.

(2)(A) The Secretary shall furnish counseling as described in paragraph (1), upon request, to any veteran who served on active duty after May 7, 1975, in an area at a time during which hostilities occurred in such area.

(B) For the purposes of subparagraph (A) of this paragraph, the term “hostilities” means an armed conflict in which members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.

(b)(1) If, on the basis of the assessment furnished under subsection (a) of this section, a physician or psychologist employed by the Department (or, in areas where no such physician or psychologist is available, a physician or psychologist carrying out such function under a contract or fee arrangement with the Secretary) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Department facilities, be furnished such services on an outpatient basis under the conditions specified in section 1712(a)(5)(B) of this title. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Department as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 1711(b) of this title).

(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and

expenses as are described in section 1701(6)(B) of this title.

(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such counseling, the Secretary shall—

(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service and the Department for review of such individual's discharge or release from such service.

(d) The Under Secretary for Health may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 3485 of this title) in initial intake and screening activities.

(e)(1) In furnishing counseling and related mental health services under subsections (a) and (b) of this section, the Secretary shall have available the same authority to enter into contracts with private facilities that is available to the Secretary (under sections 1712(a)(1)(B) and 1703(a)(2) of this title) in furnishing medical services to veterans suffering from total service-connected disabilities.

(2) Before furnishing counseling or related mental health services described in subsections (a) and (b) of this section through a contract facility, as authorized by this subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which the counseling or services are to be furnished.

(3) The authority of the Secretary to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(f) The Secretary, in cooperation with the Secretary of Defense, shall take such action as the Secretary considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.

(g)(1)(A) Except as provided in subparagraph (C) of this paragraph, the Secretary may close or relocate a center in existence on January 1, 1988, only as described in the national plan required by paragraph (3) of this subsection (or in a revision to such plan under paragraph (4) of this subsection in which the closure or relocation of that center is proposed).

(B) A closure or relocation of a center which is proposed in such national plan may be carried out only after the end of the 120-day period beginning on the date on which the national plan is submitted. A closure or relocation of a center not proposed in such plan may be carried out only after the end of the 60-day period beginning on the date the Secretary submits a revision to

such plan in which the closure or relocation of that center is proposed.

(C) The Secretary may relocate a center in existence on January 1, 1988, without regard to the national plan (including any revision to such plan) if such relocation is to a new location away from a Department general health-care facility when such relocation is necessitated by circumstances beyond the control of the Department. Such a relocation may be carried out only after the end of the 30-day period beginning on the date on which the Secretary notifies the Committees on Veterans' Affairs of the Senate and the House of Representatives of the proposed relocation, of the circumstances making it necessary, and of the reason for the selection of the new site for the center.

(2)(A) Not later than April 1, 1988, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983 (Public Law 98-160), to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder.

(B) The report required by subparagraph (A) of this paragraph shall include—

(i) the opinion of the Secretary with respect to (I) the extent to which the readjustment needs of veterans who served on active duty during the Vietnam era remain unmet, and (II) the extent to which the provision of readjustment counseling services under this section in centers is needed to meet such needs; and

(ii) in light of the opinion submitted pursuant to clause (i) of this subparagraph, such recommendations for amendments to this subsection and for other legislative and administrative action as the Secretary considers appropriate.

(3)(A) The Secretary, after considering the recommendations of the Under Secretary for Health, shall submit to such committees a report setting forth a national plan for all centers in existence on January 1, 1988. Such national plan shall set forth the Secretary's proposals as to each such center for a period (to be determined by the Secretary) of not less than 12 months beginning on the date of the submission of the report. The plan shall include, as to each center, whether the Secretary proposes to relocate the center to a general Department facility, relocate the center to a new location away from a general Department facility, expand the center in the same location, or close the center. The plan shall also set forth any proposal of the Secretary to open additional centers.

(B) The plan shall include the Secretary's evaluation as to how, in light of each of the criteria described in subparagraph (C) of this paragraph, the proposal set forth in the plan for each center covered by the plan would ensure the

continued availability and effective furnishing of readjustment counseling services to eligible veterans needing such services in the geographic area served by that center.

(C) The Secretary shall make the evaluation described in subparagraph (B) of this paragraph with respect to any center in light of the following:

(i) The distribution of Vietnam-era veterans in the geographic area served by the center and the relationships between the location of such center and the general Department facility and such distribution.

(ii) The distance between the center and the general Department facility.

(iii) The availability of other entities (such as State, local, or private outreach facilities) which provide assistance to Vietnam-era veterans in the area served by the center.

(iv) The availability of transportation to, and parking at, the center and the general Department facility.

(v) The availability, cost, and suitability of the space at the general Department facility.

(vi) The overall cost impact of the proposed closure or relocation, including a comparison of the recurring nonpersonnel costs of providing readjustment counseling to the same estimated number of veterans at the center and the general Department facility.

(vii) The workload trends over the two previous fiscal years, and projected over the next fiscal year (or longer), at the center.

(viii) Such other factors as the Secretary determines to be relevant to making the evaluation described in subparagraph (B) of this paragraph.

(D) For the purposes of this paragraph, the term "general Department facility" means a Department facility which is not a center and at which readjustment counseling would be furnished in a particular geographic area upon the closure or relocation of a center.

(4) After submitting the plan required by paragraph (3) of this subsection, the Secretary may submit to the committees a revision to such plan in order to modify the proposal set forth in the plan as to any center. Any such revision shall include, with respect to each center addressed in the revision, a description of the Secretary's evaluation of the matters specified in paragraphs (3)(B) and (3)(C) of this subsection.

(5) For purposes of determining a period of time under paragraph (1)(B) of this subsection, if the national plan (or a revision to the national plan) is submitted to the committees during the 121-day period beginning 60 days before and ending 60 days after the final day of a session of the Congress, it shall be deemed to have been submitted on the sixty-first day after the final day of such session.

[(h) Repealed. Pub. L. 102-83, § 4(b)(6), Aug. 6, 1991, 105 Stat. 405.]

(i) For the purposes of this section:

(1) The term "center" means a facility (including a Resource Center designated under subsection (h)(3)(A) of this section) which is operated by the Department for the provision of services under this section and which (A) is situated apart from Department general health-care facilities, or (B) was so situated

but has been relocated to a Department general health-care facility.

(2) The term "Department general health-care facility" means a health-care facility which is operated by the Department for the furnishing of health-care services under this chapter, not limited to services provided through the program established under this section.

(Added Pub. L. 96-22, title I, § 103(a)(1), June 13, 1979, 93 Stat. 48, § 612A; amended Pub. L. 96-128, title V, § 501(b), Nov. 28, 1979, 93 Stat. 987; Pub. L. 97-72, title I, § 104(a)(1), (b), Nov. 3, 1981, 95 Stat. 1049; Pub. L. 98-160, title I, § 101, Nov. 21, 1983, 97 Stat. 993; Pub. L. 99-166, title I, §§ 105, 106, Dec. 3, 1985, 99 Stat. 944, 945; Pub. L. 99-272, title XIX, §§ 19011(d)(4), 19012(c)(3), Apr. 7, 1986, 100 Stat. 379, 382; Pub. L. 99-576, title II, § 204, title VII, § 702(6), Oct. 28, 1986, 100 Stat. 3255, 3302; Pub. L. 100-322, title I, § 107(a)-(e), May 20, 1988, 102 Stat. 494-496; Pub. L. 100-687, div. B, title XV, § 1501(a), Nov. 18, 1988, 102 Stat. 4132; Pub. L. 102-25, title III, § 334(d), Apr. 6, 1991, 105 Stat. 89; Pub. L. 102-54, § 14(b)(11), June 13, 1991, 105 Stat. 283; renumbered § 1712A and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), (6), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984.)

REFERENCES IN TEXT

Section 102 of the Veterans' Health Care Amendments of 1983, referred to in subsec. (g)(2)(A), is section 102 of Pub. L. 98-160, title I, Nov. 21, 1983, 97 Stat. 994, which was formerly set out below.

AMENDMENTS

1992—Subsecs. (d), (g)(3)(A). Pub. L. 102-405 substituted "Under Secretary for Health" for "Chief Medical Director".

1991—Pub. L. 102-83, § 5(a), renumbered section 612A of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in par. (1).

Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in par. (1).

Pub. L. 102-25 designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(1). Pub. L. 102-83, § 5(c)(1), substituted "1712(a)(5)(B)" for "612(a)(5)(B)" and "1711(b)" for "611(b)".

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing.

Pub. L. 102-54 substituted "section 612(a)(5)(B)" for "paragraph (1)(A)(ii) of section 612(f)".

Subsec. (b)(2). Pub. L. 102-83, § 5(c)(1), substituted "1701(6)(B)" for "601(6)(B)".

Subsec. (c). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in pars. (1) and (2).

Subsec. (d). Pub. L. 102-83, § 5(c)(1), substituted "3485" for "1685".

Subsec. (e). Pub. L. 102-83, § 5(c)(1), substituted "1712(a)(1)(B) and 1703(a)(2)" for "612(a)(1)(B) and 603(a)(2)" in par. (1).

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (f). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Subsec. (g). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" and "Secretary's" for "Administrator's" wherever appearing.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing.

Subsec. (h). Pub. L. 102-83, §4(b)(6), struck out subsec. (h) which related to carrying out a pilot program to provide and coordinate services to meet the readjustment needs of veterans on active duty during the Vietnam era.

Subsec. (i). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" wherever appearing.

1988—Subsec. (g)(1). Pub. L. 100-322, §107(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "During the 24-month period ending on September 30, 1989, the Administrator shall take appropriate steps to ensure—

"(A) the orderly, gradual transition, by October 1, 1989, of that part of the program established under this section for the provision of readjustment counseling services by Veterans' Administration personnel from a program providing such services primarily through centers located in facilities situated apart from the health-care facilities operated by the Veterans' Administration for the provision of other health-care services under other provisions of this chapter to a program providing readjustment counseling services primarily through such health-care facilities; and

"(B) the continued availability after such date of readjustment counseling and related mental health services under this section to veterans eligible for the provision of such counseling and services who request such counseling."

Subsec. (g)(1)(A). Pub. L. 100-687, §1501(a)(1), substituted "Except as provided in subparagraph (C) of this paragraph, the" for "The".

Subsec. (g)(1)(C). Pub. L. 100-687, §1501(a)(2), added subpar. (C).

Subsec. (g)(2)(A). Pub. L. 100-322, §107(b), substituted "April 1, 1988" for "April 1, 1987" and struck out "(or, if the study is not then completed, whatever information from it is then available)" after "(Public Law 98-160)".

Subsec. (g)(2)(B)(i). Pub. L. 100-322, §107(e)(1)(A), substituted "in centers is needed" for "in a program providing such services through facilities situated apart from Veterans' Administration health-care facilities is needed".

Subsec. (g)(2)(B)(ii). Pub. L. 100-322, §107(e)(1)(B), substituted "this subsection" for "paragraph (1) of this subsection".

Subsec. (g)(3) to (5). Pub. L. 100-322, §107(c), added pars. (3) to (5) and struck out former pars. (3) and (4) which read as follows:

"(3) Not later than July 1, 1987, the Administrator shall submit to such committees a report containing a description of the plans made and timetable for carrying out paragraph (1) of this subsection. Such report shall be prepared taking into consideration the results of the study referred to in paragraph (2)(A) of this subsection (or, if the study is not then completed, whatever information from it is then available).

"(4) Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under as much of the transition as was carried out pursuant to paragraph (1) of this subsection before September 30, 1988, including such recommendations for legislative and administrative action as the Administrator considers appropriate in light of such experience."

Subsec. (h)(3)(B). Pub. L. 100-322, §107(e)(2)(A), substituted "referred to as 'Resource Centers'" for "referred to as 'Centers'".

Subsec. (h)(4), (5). Pub. L. 100-322, §107(e)(2)(B), substituted "Resource Center" for "Center" wherever appearing.

Subsec. (i). Pub. L. 100-322, §107(d), added subsec. (i).

1986—Subsec. (b)(1). Pub. L. 99-272, §1901(d)(4)(A), substituted "paragraph (1)(A)(ii)" for "clause (1)(B)".

Subsec. (e)(1). Pub. L. 99-272, §1901(c)(3), substituted "603(a)(2)" for "601(4)(C)(ii)".

Pub. L. 99-272, §1901(d)(4)(B), substituted "612(a)(1)(B)" for "612(f)(2)".

Subsec. (g)(1). Pub. L. 99-576, §204(a), substituted "the 24-month period ending on September 30, 1989" for "the twelve-month period ending on September 30, 1988" in introductory provision, and substituted "orderly, gradual transition by October 1, 1989" for "orderly transition, by October 1, 1988" in subpar. (A).

Subsec. (g)(2)(A). Pub. L. 99-576, §204(b)(1), inserted "(Pub. L. 98-160) (or, if the study is not then completed, whatever information from it is then available)" after "the Veterans' Health Care Amendments of 1983".

Subsec. (g)(3). Pub. L. 99-576, §204(b)(2), inserted at end "Such report shall be prepared taking into consideration the results of the study referred to in paragraph (2)(A) of this subsection (or, if the study is not then completed, whatever information from it is then available)."

Subsec. (g)(4). Pub. L. 99-576, §204(c), added par. (4).

Subsec. (h)(3)(A)(i). Pub. L. 99-576, §702(6), substituted "December 3, 1985," for "the date of the enactment of this section".

1985—Subsec. (g)(1)(B). Pub. L. 99-166, §106, which directed the substitution of "who request such counseling" for "who requested counseling before such date", was executed by making the substitution for the phrase "who requested such counseling before such date" to reflect the probable intent of Congress.

Subsec. (h). Pub. L. 99-166, §105, added subsec. (h).

1983—Subsec. (a). Pub. L. 98-160, §101(a), struck out "if such veteran requests such counseling within two years after the date of such veteran's discharge or release from active duty, or by September 30, 1984, whichever is later" after "to assist such veteran in readjusting to civilian life".

Subsec. (g)(1). Pub. L. 98-160, §101(b)(1), substituted "September 30, 1988" for "September 30, 1984" in provisions preceding subpar. (A).

Subsec. (g)(1)(A). Pub. L. 98-160, §101(b)(1), substituted "October 1, 1988" for "October 1, 1984".

Subsec. (g)(2). Pub. L. 98-160, §101(b)(2), amended par. (2) generally, designating existing provisions as subpar. (A), substituting "Not later than April 1, 1987, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Administrator's evaluation of the effectiveness in helping to meet the readjustment needs of veterans who served on active duty during the Vietnam era of the readjustment counseling and mental health services provided pursuant to this section (and of outreach efforts with respect to such counseling and services). Such report shall give particular attention, in light of the results of the study required by section 102 of the Veterans' Health Care Amendments of 1983, to the provision of such counseling and services to veterans with post-traumatic stress disorder and to the diagnosis and treatment of such disorder" for "Not later than April 1, 1984, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the plans made and actions taken to carry out this subsection", and adding subpar. (B).

Subsec. (g)(3). Pub. L. 98-160, §101(b)(2), added par. (3).

1981—Subsec. (a). Pub. L. 97-72, §104(a)(1), substituted "or by September 30, 1984" for "or two years after the effective date of this section".

Subsec. (g). Pub. L. 97-72, §104(b), added subsec. (g).

1979—Subsec. (d). Pub. L. 96-128 substituted "title" for "title)".

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1901(d)(4) of Pub. L. 99-272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 1901(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 104(a)(2) of Pub. L. 97-72 provided that: "The amendment made by paragraph (1) [amending this section] shall take effect as of October 1, 1981."

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

MARRIAGE AND FAMILY COUNSELING FOR PERSIAN GULF WAR VETERANS

Section 121 of Pub. L. 102-405 provided that:

“(a) REQUIREMENT.—Subject to the availability of funds appropriated pursuant to the authorization in subsection (g), the Secretary shall conduct a program to furnish to the persons referred to in subsection (b) the marriage and family counseling services referred to in subsection (c). The authority to conduct the program shall expire on September 30, 1994.

“(b) PERSONS ELIGIBLE FOR COUNSELING.—The persons eligible to receive marriage and family counseling services under the program are—

“(1) veterans who were awarded a campaign medal for active-duty service during the Persian Gulf War and the spouses and children of such veterans; and

“(2) veterans who are or were members of the reserve components who were called or ordered to active duty during the Persian Gulf War and the spouses and children of such members.

“(c) COUNSELING SERVICES.—Under the program, the Secretary may provide marriage and family counseling that the Secretary determines, based on an assessment by a mental-health professional employed by the Department and designated by the Secretary (or, in an area where no such professional is available, a mental-health professional designated by the Secretary and performing services under a contract or fee arrangement with the Secretary), is necessary for the amelioration of psychological, marital, or familial difficulties that result from the active duty service referred to in subsection (b)(1) or (2).

“(d) MANNER OF FURNISHING SERVICES.—(1) Marriage and family counseling services shall be furnished under the program—

“(A) by personnel of the Department of Veterans Affairs who are qualified to provide such counseling services;

“(B) by appropriately certified marriage and family counselors employed by the Department; and

“(C) by qualified mental health professionals pursuant to contracts with the Department, when Department facilities are not capable of furnishing economical medical services because of geographical inaccessibility or are not capable of furnishing the services required.

“(2) The Secretary shall establish the qualifications required of personnel under subparagraphs (A) and (C) of paragraph (1) and shall prescribe the training, experience, and certification required of appropriately certified marriage and family counselors under subparagraph (B) of such paragraph.

“(3) The Secretary may employ licensed or certified marriage and family counselors to provide counseling under paragraph (1)(B) and may classify the positions in which they are employed at levels determined appropriate by the Secretary, taking into consideration the training, experience, and licensure or certification required of such counselors.

“(e) CONTRACT COUNSELING SERVICES.—(1) Subject to paragraphs (2) and (4), a mental health professional referred to in subsection (d)(1)(C) may furnish marriage and family counseling services to a person under the program as follows:

“(A) For a period of not more than 15 days beginning on the date of the commencement of the furnishing of such services to the person.

“(B) For a 90-day period beginning on such date if—

“(i) the mental health professional submits to the Secretary a treatment plan with respect to the person not later than 15 days after such date; and

“(ii) the treatment plan and the assessment made under subsection (c) are approved by an appropriate mental health professional of the Department designated for that purpose by the Under Secretary for Health.

“(C) For an additional 90-day period beginning on the date of the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period) if—

“(i) not more than 30 days before the expiration of the 90-day period referred to in subparagraph (B) (or any subsequent 90-day period), the mental health professional submits to the Secretary a revised treatment plan containing a justification of the need of the person for additional counseling services; and

“(ii) the plan is approved in accordance with the provisions of subparagraph (B)(ii).

“(2)(A) A mental health professional referred to in paragraph (1) who assesses the need of any person for services for the purposes of subsection (c) may not furnish counseling services to that person.

“(B) The Secretary may waive the prohibition referred to in subparagraph (A) for locations (as determined by the Secretary) in which the Secretary is unable to obtain the assessment referred to in that subparagraph from a mental health professional other than the mental health professional with whom the Secretary enters into contracts under subsection (d)(1)(C) for the furnishing of counseling services.

“(3) The Secretary shall reimburse mental health professionals for the reasonable cost (as determined by the Secretary) of furnishing counseling services under paragraph (1). In the event of the disapproval of a treatment plan of a person submitted by a mental health professional under paragraph (1)(B)(i), the Secretary shall reimburse the mental health professional for the reasonable cost (as so determined) of furnishing counseling services to the person for the period beginning on the date of the commencement of such services and ending on the date of the disapproval.

“(4) The Secretary may authorize the furnishing of counseling in an individual case for a period shorter than the 90-day period specified in subparagraph (B) or (C) of paragraph (1) and, upon further consideration, extend the shorter period to the full 90 days.

“(5)(A) For the purposes of this subsection, the term ‘treatment plan’, with respect to a person entitled to counseling services under the program, must include—

“(i) an assessment by the mental health professional submitting the plan of the counseling needs of the person described in the plan on the date of the submittal of the plan; and

“(ii) a description of the counseling services to be furnished to the person by the mental health professional during the 90-day period covered by the plan, including the number of counseling sessions proposed as part of such services.

“(B) The Secretary shall prescribe an appropriate form for the treatment plan.

“(f) COST RECOVERY.—For the purposes of section 1729 of title 38, United States Code, marriage and family counseling services furnished under the program shall be deemed to be care and services furnished by the Department under chapter 17 of such title, and the United States shall be entitled to recover or collect the reasonable cost of such services in accordance with that section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 for each of fiscal years 1993 and 1994 to carry out this section.

“(h) REPORT.—Not later than July 1, 1994, the Secretary shall submit to Congress a report on the program conducted pursuant to this section. The report shall contain information regarding the persons furnished counseling services under the program, including—

“(1) the number of such persons, stated as a total number and separately for each eligibility status referred to in subsection (b);

“(2) the age and gender of such persons;
 “(3) the manner in which such persons were furnished such services under the program; and
 “(4) the number of counseling sessions furnished to such persons.
 “(i) DEFINITIONS.—For the purposes of this section, the terms ‘veteran’, ‘child’, ‘active duty’, ‘reserve component’, ‘spouse’, and ‘Persian Gulf War’ have the meanings given such terms in paragraphs 101(2), (4), (21), (27), (31), and (33) of section 101 of title 38, United States Code, respectively.”

POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING

Section 123 of Pub. L. 102-405 provided that:

“(a) PLAN.—The Secretary shall develop a plan—

“(1) to ensure, to the maximum extent practicable, that veterans suffering from post-traumatic stress disorder related to active duty are provided appropriate treatment and rehabilitative services for that condition in a timely manner;

“(2) to expand and improve the services available for veterans suffering from post-traumatic stress disorder related to active duty;

“(3) to eliminate waiting lists for inpatient treatment and other modes of treatment for post-traumatic stress disorder;

“(4) to enhance outreach activities carried out to inform combat-area veterans of the availability of treatment for post-traumatic stress disorder; and

“(5) to ensure, to the extent practicable, that there are Department post-traumatic stress disorder treatment units in locations that are readily accessible to veterans residing in rural areas of the United States.
 “(b) CONSIDERATIONS.—In developing the plan referred to in subsection (a), the Secretary shall consider—

“(1) the numbers of veterans suffering from post-traumatic stress disorder related to active duty, as indicated by relevant studies, scientific and clinical reports, and other pertinent information;

“(2) the numbers of veterans who would likely seek post-traumatic stress disorder treatment from the Department if waiting times for treatment were eliminated and outreach activities to combat-area veterans with post-traumatic stress disorder were enhanced;

“(3) the current and projected capacity of the Department to provide appropriate treatment and rehabilitative services for post-traumatic stress disorder;

“(4) the level and geographic accessibility of inpatient and outpatient care available through the Department for veterans suffering from post-traumatic stress disorder across the United States;

“(5) the desirability of providing that inpatient and outpatient post-traumatic stress disorder care be furnished in facilities of the Department that are physically independent of general psychiatric wards of the medical facilities of the Department;

“(6) the treatment needs of veterans suffering from post-traumatic stress disorder who are women, of such veterans who are ethnic minorities (including Native Americans, Native Hawaiians, Asian-Pacific Islanders, and Native Alaskans), and of such veterans who suffer from substance abuse problems in addition to post-traumatic stress disorder; and

“(7) the recommendations of the Special Committee on Post-Traumatic-Stress Disorder with respect to (A) specialized inpatient and outpatient programs of the Department for the treatment of post-traumatic stress disorder, and (B) with respect to the establishment of educational programs that are designed for each of the various levels of education, training, and experience of the various mental health professionals involved in the treatment of veterans suffering from post-traumatic stress disorder.

“(c) REPORT.—Not later than six months after the date of the enactment of this Act [Oct. 9, 1992], the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan developed pursuant to subsection (a).

The report shall include specific information relating to the consideration given to the matters described in subsection (b).

“(d) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘active duty’ has the meaning given that term in section 101(21) of title 38, United States Code.

“(2) The term ‘veteran’ has the meaning given that term in section 101(2) of such title.

“(3) The term ‘combat-area veteran’ means a veteran who served on active duty in an area at a time during which hostilities (as defined in section 1712A(a)(2)(B) of such title) occurred in such area.”

UPDATES OF REPORTS ON POST-TRAUMATIC STRESS DISORDER

Section 122(b) of Pub. L. 102-405 provided that:

“(1) Not later than October 1, 1992, and October 1, 1993, the Special Committee on Post-Traumatic-Stress Disorder established pursuant to section 110(b)(1) of the Veterans' Health Care Act of 1984 (38 U.S.C. 1712A note) shall concurrently submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing information updating the reports submitted to the Secretary under section 110(e) of the Veterans' Health Care Act of 1984 [Pub. L. 98-528, set out below], together with any additional information the Special Committee considers appropriate regarding the overall efforts of the Department of Veterans Affairs to meet the needs of veterans with post-traumatic stress disorder and other psychological problems in readjusting to civilian life.
 “(2) Not later than 90 days after receiving each of the reports under paragraph (1), the Secretary shall submit to the committees any comments concerning the report that the Secretary considers appropriate.”

Similar provisions were contained in Pub. L. 101-237, title II, §201(e), Dec. 18, 1989, 103 Stat. 2066, as amended by Pub. L. 101-366, title II, §204, Aug. 15, 1990, 104 Stat. 439.

AUTHORIZATION FOR RELOCATION OF CERTAIN FACILITIES

Section 1501(b) of Pub. L. 100-687 related to relocation of 17 Veterans' Administration Readjustment Counseling Service Vet Centers from their locations away from general Veterans' Administration health-care facilities to other such locations.

PROHIBITION OF DELEGATION OF DUTIES

Section 107(f) of Pub. L. 100-322, as amended by Pub. L. 100-527, §10(4), Oct. 25, 1988, 102 Stat. 2641; Pub. L. 102-40, §2(b), May 7, 1991, 105 Stat. 187; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: “The Chief Medical Director [now Under Secretary for Health] of the Department of Veterans Affairs may not delegate the function of making recommendations under section 1712A(g)(3)(A) [formerly 612A(g)(3)(A)] of title 38, United States Code, as amended by subsection (c).”

POST-TRAUMATIC-STRESS DISORDER; DIAGNOSIS AND TREATMENT; EDUCATION AND TRAINING OF HEALTH-CARE PERSONNEL; COORDINATION WITH READJUSTMENT COUNSELING; SPECIAL COMMITTEE; NATIONAL CENTER; COMPILATION AND PUBLICATION OF RESEARCH RESULTS; REPORTS TO CONGRESSIONAL COMMITTEES

Pub. L. 98-528, title I, §110, Oct. 19, 1984, 98 Stat. 2691, as amended by Pub. L. 100-527, §10(2), (4), (5), Oct. 25, 1988, 102 Stat. 2641; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

“(a)(1) The Chief Medical Director [now Under Secretary for Health] of the Department of Veterans Affairs may designate special programs within the Veterans Health Administration for the diagnosis and treatment of post-traumatic-stress disorder (hereinafter in this section referred to as ‘PTSD’).

“(2) The Chief Medical Director [now Under Secretary for Health] shall direct (A) that (in addition to provid-

ing diagnostic and treatment services for PTSD) Department of Veterans Affairs programs designated under paragraph (1) (hereinafter in this section referred to as 'designated PTSD programs') carry out activities to promote the education and training of health-care personnel (including health-care personnel not working for the Department of Veterans Affairs or the Federal Government) in the causes, diagnosis, and treatment of PTSD, and (B) that (when appropriate) the provision of treatment services under such program be coordinated with the provision of readjustment counseling services under section 1712A [formerly 612A] of title 38, United States Code.

“(b)(1) The Chief Medical Director [now Under Secretary for Health] shall establish in the Veterans Health Administration a Special Committee on Post-Traumatic-Stress Disorder (hereinafter in this section referred to as the ‘Special Committee’). The Chief Medical Director shall appoint qualified employees of the Administration to serve on the Special Committee.

“(2) The Special Committee shall assess, and carry out a continuing assessment of, the capacity of the Department of Veterans Affairs to provide diagnostic and treatment services for PTSD to veterans eligible for health care furnished by the Department of Veterans Affairs.

“(3) The Special Committee shall also advise the Chief Medical Director [now Under Secretary for Health] regarding the development of policies, the provision of guidance, and the coordination of services for the diagnosis and treatment of PTSD (A) in designated PTSD programs, (B) in inpatient psychiatric programs and outpatient mental health programs other than designated PTSD programs, and (C) in readjustment counseling programs of the Department of Veterans Affairs.

“(4) The Special Committee shall also make recommendations to the Chief Medical Director [now Under Secretary for Health] for guidance with respect to PTSD regarding—

“(A) appropriate diagnostic and treatment methods;

“(B) referral for and coordination of followup care;

“(C) the evaluation of PTSD treatment programs;

“(D) the conduct of research concerning such diagnosis and treatment (taking into account the provisions of subsection (c));

“(E) special programs of education and training for employees of the Veterans Health Administration and the Veterans Benefits Administration (also taking into account such provisions);

“(F) the appropriate allocation of resources for all such activities; and

“(G) any specific steps that should be taken to improve such diagnosis and treatment and to correct any deficiencies in the operations of designated PTSD programs.

“(c) The Chief Medical Director [now Under Secretary for Health] shall establish and operate in the Veterans Health Administration a National Center on Post-Traumatic-Stress Disorder. The National Center (1) shall carry out and promote the training of health care and related personnel in, and research into, the causes and diagnosis of PTSD and the treatment of veterans for PTSD, and (2) shall serve as a resource center for, and promote and seek to coordinate the exchange of information regarding, all research and training activities carried out by the Department of Veterans Affairs, and by other Federal and non-Federal entities, with respect to PTSD.

“(d) The Chief Medical Director [now Under Secretary for Health] shall regularly compile and publish the results of research that has been conducted relating to PTSD.

“(e) [Omitted. Directed Administrator to submit, not later than Mar. 1, 1985, a report to congressional committees on implementation of this section, and, not later than Feb. 1, 1986, and Feb. 1 of each of the three following years, to submit a report updating the reports previously submitted.]”

STUDY OF POST-TRAUMATIC STRESS DISORDER AND OTHER POST-WAR PSYCHOLOGICAL PROBLEMS

Section 102 of Pub. L. 98-160, as amended by Pub. L. 99-576, title II, §216, Oct. 28, 1986, 100 Stat. 3259, directed Administrator of Veterans' Affairs to provide for the conducting of a comprehensive study of prevalence and incidence in population of Vietnam veterans of post-traumatic stress disorder and other psychological problems of readjusting to civilian life and effects of such problems on such veterans and directed Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives not later than Oct. 1, 1986, a report on results of study.

READJUSTMENT COUNSELING AND RELATED MENTAL HEALTH SERVICES FOR VETERANS OF WAR DECLARED AFTER JUNE 13, 1979

Section 103(b) of Pub. L. 96-22, as amended by Pub. L. 102-83, §§5(c)(2), 6(d), Aug. 6, 1991, 105 Stat. 406, 407, provided that: “In the event of a declaration of war by the Congress after June 13, 1979, the Secretary of Veterans Affairs, not later than six months after the date of such declaration, shall determine and recommend to the Congress whether eligibility for the readjustment counseling and related mental health services provided for in section 1712A [formerly 612A] of title 38, United States Code (as added by subsection (a) of this section) should be extended to the veterans of such war.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1703, 4102A, 4103, 4103A, 4104, 4214 of this title; title 29 section 1721.

§ 1712B. Counseling for former prisoners of war

The Secretary may establish a program under which, upon the request of a veteran who is a former prisoner of war, the Secretary, within the limits of Department facilities, furnishes counseling to such veteran to assist such veteran in overcoming the psychological effects of the veteran's detention or internment as a prisoner of war.

(Added Pub. L. 99-166, title I, §107(a), Dec. 3, 1985, 99 Stat. 945, §612B; renumbered §1712B and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 612B of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration”.

§ 1713. Medical care for survivors and dependents of certain veterans

(a) The Secretary is authorized to provide medical care, in accordance with the provisions of subsection (b) of this section, for—

(1) the spouse or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability,

(2) the surviving spouse or child of a veteran who (A) died as a result of a service-connected disability, or (B) at the time of death had a total disability permanent in nature, resulting from a service-connected disability, and

(3) the surviving spouse or child of a person who died in the active military, naval, or air service in the line of duty and not due to such person's own misconduct,

who are not otherwise eligible for medical care under chapter 55 of title 10 (CHAMPUS).

(b) In order to accomplish the purposes of subsection (a) of this section, the Secretary shall provide for medical care in the same or similar manner and subject to the same or similar limitations as medical care is furnished to certain dependents and survivors of active duty and retired members of the Armed Forces under chapter 55 of title 10 (CHAMPUS), by—

(1) entering into an agreement with the Secretary of Defense under which that Secretary shall include coverage for such medical care under the contract, or contracts, that Secretary enters into to carry out such chapter 55, and under which the Secretary of Veterans Affairs shall fully reimburse the Secretary of Defense for all costs and expenditures made for the purposes of affording the medical care authorized pursuant to this section; or

(2) contracting in accordance with such regulations as the Secretary shall prescribe for such insurance, medical service, or health plans as the Secretary deems appropriate.

In cases in which Department medical facilities are equipped to provide the care and treatment, the Secretary is also authorized to carry out such purposes through the use of such facilities not being utilized for the care of eligible veterans.

(c) For the purposes of this section, a child between the ages of eighteen and twenty-three (1) who is eligible for benefits under subsection (a) of this section, (2) who is pursuing a full-time course of instruction at an educational institution approved under chapter 36 of this title, and (3) who, while pursuing such course of instruction, incurs a disabling illness or injury (including a disabling illness or injury incurred between terms, semesters, or quarters or during a vacation or holiday period) which is not the result of such child's own willful misconduct and which results in such child's inability to continue or resume such child's chosen program of education at an approved educational institution shall remain eligible for benefits under this section until the end of the six-month period beginning on the date the disability is removed, the end of the two-year period beginning on the date of the onset of the disability, or the twenty-third birthday of the child, whichever occurs first.

(d) Notwithstanding section 1086(d)(1) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), has exhausted any such benefits shall become eligible for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such hospital insurance benefits.

(Added Pub. L. 93-82, title I, §103(b), Aug. 2, 1973, 87 Stat. 181, §613; amended Pub. L. 94-581, title I, §104, title II, §210(a)(4), Oct. 21, 1976, 90 Stat. 2845, 2862; Pub. L. 96-151, title II, §205(a), Dec. 20, 1979, 93 Stat. 1094; Pub. L. 97-72, title I, §105, Nov. 3, 1981, 95 Stat. 1050; Pub. L. 97-251, §5(a), Sept. 8, 1982, 96 Stat. 716; renumbered §1713 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1),

(2)(B), (E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-190, title VII, §704(b)(2), Dec. 5, 1991, 105 Stat. 1402.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (d), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Part A of title XVIII of the Social Security Act is classified generally to part A (§1395c et seq.) of subchapter XVIII of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

Prior section 1713 was renumbered section 3513 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 613 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Subsec. (b). Pub. L. 102-83, §4(b)(2)(B), substituted "that Secretary" for second and third references to "the Secretary" and "the Secretary of Defense" for last reference to "the Secretary" in par. (1).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing in introductory and concluding provisions and in par. (2).

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in concluding provisions.

Subsec. (d). Pub. L. 102-190 substituted "section 1086(d)(1)" for "the second sentence of section 1086(c)".

1982—Subsec. (d). Pub. L. 97-251 added subsec. (d).

1981—Subsec. (b). Pub. L. 97-72 substituted "equipped to provide the care and treatment" for "particularly equipped to provide the most effective care and treatment" in provisions following par. (2).

1979—Subsec. (a). Pub. L. 96-151, §205(a)(1), in cl. (1) substituted reference to spouse for reference to wife, in cl. (2) substituted reference to surviving spouse for reference to widow, and added cl. (3).

Subsec. (c). Pub. L. 96-151, §205(a)(2), added subsec. (c).

1976—Subsec. (a)(2). Pub. L. 94-581, §104, designated existing provisions as cl. (A) and added cl. (B).

Subsec. (b)(1). Pub. L. 94-581, §210(a)(4)(A), substituted "the Secretary enters" for "he enters".

Subsec. (b)(2). Pub. L. 94-581, §210(a)(4)(B), substituted "the Administrator" for "he" in two places.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 5(b) of Pub. L. 97-251 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1982."

EFFECTIVE DATE OF 1979 AMENDMENT

Section 205(b) of Pub. L. 96-151 provided that: "The amendments made by subsection (a) [amending this section] shall take effect with respect to fiscal year 1980 only to such extent and for such amounts as may be specifically provided for such purpose in appropriation Acts."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1701, 8111, 8502, 8520, 8521 of this title; title 42 section 1395cc.

§ 1714. Fitting and training in use of prosthetic appliances; seeing-eye dogs

(a) Any veteran who is entitled to a prosthetic appliance shall be furnished such fitting and training, including institutional training, in the use of such appliance as may be necessary, whether in a Department facility or other training institution, or by outpatient treatment, including such service under contract, and including travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from such veteran's home to such hospital or training institution.

(b) The Secretary may provide seeing-eye or guide dogs trained for the aid of the blind to veterans who are entitled to disability compensation, and may pay travel and incidental expenses (under the terms and conditions set forth in section 111 of this title) to and from their homes and incurred in becoming adjusted to such seeing-eye or guide dogs. The Secretary may also provide such veterans with mechanical or electronic equipment for aiding them in overcoming the handicap of blindness.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, § 614; Pub. L. 93-82, title I, § 103(b), Aug. 2, 1973, 87 Stat. 181; Pub. L. 94-581, title II, § 210(a)(5), Oct. 21, 1976, 90 Stat. 2862; Pub. L. 96-151, title II, § 201(c), Dec. 20, 1979, 93 Stat. 1093; renumbered § 1714 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1714 was renumbered section 3514 of this title.

Provisions similar to those comprising subsec. (a) of this section were classified to section 613 of this title prior to repeal by section 103(b) of Pub. L. 93-82.

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 614 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (b). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

1979—Subsec. (a). Pub. L. 96-151, § 201(c)(1), substituted provisions respecting travel and incidental expenses for provisions respecting necessary travel expenses.

Subsec. (b). Pub. L. 96-151, § 201(c)(2), substituted provisions respecting travel and incidental expenses for provisions respecting all necessary travel expenses.

1976—Subsec. (a). Pub. L. 94-581, § 210(a)(5)(A), substituted "such veteran's home" for "his home".

Subsec. (b). Pub. L. 94-581, § 210(a)(5)(B), substituted "and may pay" for "and he may pay".

1973—Pub. L. 93-82 designated existing provisions as subsec. (b) and added subsec. (a).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-151 effective Jan. 1, 1980, see section 206 of Pub. L. 96-151, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1715. Tobacco for hospitalized veterans

The Secretary may furnish tobacco to veterans receiving hospital or domiciliary care.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, § 615; renumbered § 1715 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 615 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

USE OF TOBACCO PRODUCTS IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES

Pub. L. 102-585, title V, § 526, Nov. 4, 1992, 106 Stat. 4961, provided that:

"(a) IN GENERAL.—The Secretary of Veterans Affairs shall take appropriate actions to ensure that, consistent with medical requirements and limitations, each facility of the Department described in subsection (b)—

"(1) establishes and maintains—

"(A) a suitable indoor area in which patients or residents may smoke and which is ventilated in a manner that, to the maximum extent feasible, prevents smoke from entering other areas of the facility; or

"(B) an area in a building that—

"(i) is detached from the facility;

"(ii) is accessible to patients or residents of the facility; and

"(iii) has appropriate heating and air conditioning; and

"(2) provides access to an area established and maintained under paragraph (1), consistent with medical requirements and limitations, for patients or residents of the facility who are receiving care or services and who desire to smoke tobacco products.

"(b) COVERED FACILITIES.—A Department facility referred to in subsection (a) is any Department of Veterans Affairs medical center, nursing home, or domiciliary care facility.

"(c) REPORTS.—(1) Not later than 180 days after the date of the enactment of this Act [Nov. 4, 1992], the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility of the establishment and maintenance of areas for smoking in Department facilities under this section. The report shall include information on—

"(A) the cost of, and a proposed schedule for, the establishment of such an area at each Department facility covered by this section;

"(B) the extent to which the ventilating system of each facility is adequate to ensure that use of the area for smoking does not result in health problems for other patients or residents of the facility; and

"(C) the effect of the establishment and maintenance of an area for smoking in each facility on the accreditation score issued for the facility by the Joint Commission on the Accreditation of Health Organizations.

"(2) Not later than 120 days after the effective date of this section, the Secretary shall submit to the committees referred to in paragraph (1) a report on the implementation of this section. The report shall include a description of the actions taken at each covered facility to ensure compliance with this section.

"(d) EFFECTIVE DATE.—The requirement to establish and maintain areas for smoking under subsection (a) shall take effect 60 days after the date on which the Comptroller General submits to the committees referred to in subsection (c)(1) that report required under that subsection."

§ 1716. Hospital care by other agencies of the United States

When so specified in an appropriation or other Act, the Secretary may make allotments and transfers to the Departments of Health and Human Services (Public Health Service), the Army, Navy, Air Force, or Interior, for disbursement by them under the various headings of their appropriations, of such amounts as are necessary for the care and treatment of veterans entitled to hospitalization from the Department under this chapter. The amounts to be charged the Department for care and treatment of veterans in hospitals shall be calculated on the basis of a per diem rate approved by the Office of Management and Budget.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, § 616; Pub. L. 94-581, title II, § 202(g), Oct. 21, 1976, 90 Stat. 2856; Pub. L. 97-295, § 4(95)(A), Oct. 12, 1982, 96 Stat. 1313; renumbered § 1716 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 616 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

1982—Pub. L. 97-295 substituted "Health and Human Services" for "Health, Education, and Welfare".

1976—Pub. L. 94-581 substituted "Office of Management and Budget" for "Bureau of the Budget".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 1717. Home health services; invalid lifts and other devices

(a)(1) As part of medical services furnished to a veteran under section 1712(a) of this title, the Secretary may furnish such home health services as the Secretary finds to be necessary or appropriate for the effective and economical treatment of the veteran's disability.

(2) Improvements and structural alterations may be furnished as part of such home health services only as necessary to assure the continuation of treatment for the veteran's disability or to provide access to the home or to essential lavatory and sanitary facilities. The cost of such improvements and structural alterations (or the amount of reimbursement therefor) under this subsection may not exceed—

(A) \$4,100 in the case of medical services furnished under paragraph (1) of section 1712(a) of this title; or

(B) \$1,200 in the case of medical services furnished under any other provision of section 1712 of this title.

(3) The Secretary may furnish home health services to a veteran in any setting in which the veteran is residing. The Secretary may not furnish such services in such a manner as to relieve any other person or entity of a contractual obligation to furnish services to the veteran. When home health services are furnished in a setting other than the veteran's home, such services

may not include any structural improvement or alteration.

(b) The Secretary may furnish an invalid lift, or any type of therapeutic or rehabilitative device, as well as other medical equipment and supplies (excluding medicines), if medically indicated, to any veteran who is receiving (1) compensation under section 1114(l)-(p) of this title (or the comparable rates provided pursuant to section 1134 of this title), or (2) pension under chapter 15 of this title by reason of being in need of regular aid and attendance.

(c) The Secretary may furnish devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders) to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment.

(Added Pub. L. 86-211, § 5, Aug. 29, 1959, 73 Stat. 435, § 617; amended Pub. L. 88-450, § 6(a), (c), Aug. 19, 1964, 78 Stat. 504; Pub. L. 90-77, title I, § 109, Aug. 31, 1967, 81 Stat. 180; Pub. L. 90-493, § 3(a), Aug. 19, 1968, 82 Stat. 809; Pub. L. 97-295, § 4(18), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 98-528, title I, § 107, Oct. 19, 1984, 98 Stat. 2690; Pub. L. 99-576, title II, § 202(2), Oct. 28, 1986, 100 Stat. 3254; Pub. L. 100-322, title I, § 101(d), May 20, 1988, 102 Stat. 491; renumbered § 1717 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-405, title I, § 101(a), Oct. 9, 1992, 106 Stat. 1973.)

AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102-405 substituted "\$4,100" for "\$2,500" in subpar. (A) and "\$1,200" for "\$600" in subpar. (B).

1991—Pub. L. 102-83, § 5(a), renumbered section 617 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 5(c)(1), substituted "1712(a)" for "612(a)" in pars. (1) and (2)(A) and "1712" for "612" in par. (2)(B).

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing in pars. (1) and (3).

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted "1114(l)-(p)" for "314(l)-(p)" and "1134" for "334".

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (c). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1988—Pub. L. 100-322, § 101(d)(3), substituted "Home health services; invalid" for "Invalid" in section catchline.

Subsec. (a). Pub. L. 100-322, § 101(d)(1)(B), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (a)(3). Pub. L. 100-322, § 101(d)(2), transferred subsec. (k) of section 612 of this title to subsec. (a) of this section and redesignated it as par. (3).

Subsecs. (b), (c). Pub. L. 100-322, § 101(d)(1)(A), redesignated subsecs. (a) and (b) as (b) and (c), respectively.

1986—Subsec. (a)(3) [formerly § 612(k)]. Pub. L. 99-576 added subsec. (k). See 1988 Amendment note above.

1984—Pub. L. 98-528 designated existing provision as subsec. (a) and added subsec. (b).

1982—Pub. L. 97-295 substituted "section 314(l)-(p) of this title (or the comparable rates provided pursuant to section 334 of this title)" for "subsections 314(l)-(p) (or the comparable rates provided pursuant to section 334) of this title".

1968—Pub. L. 90-493 substituted "Invalid lifts and other devices" for "Invalid lifts and other devices for pensioners" in section catchline, and inserted provisions authorizing the Administrator to furnish lifts and other devices to any veteran who is receiving compensation under subsections 314(l)-(p) (or the com-

parable rates provided pursuant to section 334) of this title.

1967—Subsec. (b). Pub. L. 90-77 substituted “to any veteran in receipt of pension under chapter 15 of this title based on need of regular aid and attendance” for “to any veteran who is eligible to receive an invalid lift under subsection (a) of this section, or who would be so eligible, but for the fact that he has such a lift”.

1964—Pub. L. 88-450 inserted “and other devices” in section catchline, designated existing provisions of section as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 101(b) of Pub. L. 102-405 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to a veteran who first applies for benefits under section 1717(a)(2) of title 38, United States Code, after December 31, 1989.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-322 applicable with respect to furnishing of medical services to veterans who apply for such services after June 30, 1988, see section 101(i) of Pub. L. 100-322, set out as a note under section 1703 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as an Effective Date of 1959 Amendment note under section 1521 of this title.

APPLICABILITY OF INCREASE IN GRANT LIMITS

Section 101(c) of Pub. L. 102-405 provided that: “A veteran who exhausts such veteran’s eligibility for benefits under section 1717(a)(2) of title 38, United States Code, before January 1, 1990, is not entitled to additional benefits under such section by reason of the amendments made by subsection (a) [amending this section].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1712 of this title.

§ 1718. Therapeutic and rehabilitative activities

(a) In providing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may use the services of patients and members in Department health care facilities for therapeutic and rehabilitative purposes. Such patients and members shall not under these circumstances be held or considered as employees of the United States for any purpose. The Secretary shall prescribe the conditions for the use of such services.

(b)(1) In furnishing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may enter into a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity) to provide for therapeutic work for patients and members in Department health care facilities.

(2) Notwithstanding any other provision of law, the Secretary may also furnish rehabilitative services under this subsection through contractual arrangements with nonprofit entities to provide for such therapeutic work for such

patients. The Secretary shall establish appropriate fiscal, accounting, management, record-keeping, and reporting requirements with respect to the activities of any such nonprofit entity in connection with such contractual arrangements.

(c)(1) There is hereby established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Special Therapeutic and Rehabilitation Activities Fund (hereinafter in this section referred to as the “fund”) for the purpose of furnishing rehabilitative services authorized in subsection (b) of this section. Such amounts of the fund as the Secretary may determine to be necessary to establish and maintain operating accounts for the various rehabilitative services activities may be deposited in checking accounts in other depositories selected or established by the Secretary.

(2) All funds received by the Department under contractual arrangements made under subsection (b) of this section, or by nonprofit entities described in paragraph (2) of such subsection, shall be deposited in or credited to the fund, and the Secretary shall distribute out of the fund moneys to participants at rates not less than the wage rates specified in the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and regulations prescribed thereunder for work of similar character.

(3) The Under Secretary for Health shall prepare, for inclusion in the annual report submitted to Congress under section 529 of this title, a description of the scope and achievements of activities carried out under this section (including pertinent data regarding productivity and rates of distribution) during the prior twelve months and an estimate of the needs of the program of therapeutic and rehabilitation activities to be carried out under this section for the ensuing fiscal year.

(d) In providing rehabilitative services under this chapter, the Secretary shall take appropriate action to make it possible for the patient to take maximum advantage of any benefits to which such patient is entitled under chapter 31, 34, or 35 of this title, and, if the patient is still receiving treatment of a prolonged nature under this chapter, the provision of rehabilitative services under this chapter shall be continued during, and coordinated with, the pursuit of education and training under such chapter 31, 34, or 35.

(e) The Secretary shall prescribe regulations to ensure that the priorities set forth in section 1712(i) of this title shall be applied, insofar as practicable, to participation in therapeutic and rehabilitation activities carried out under this section.

(f)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran’s inability to secure or follow a substantially gainful occupation as a result of disability.

(2) Paragraph (1) applies to the following:

(A) A veteran’s participation in an activity carried out under this section.

(B) A veteran’s receipt of a distribution as a result of participation in an activity carried out under this section.

(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary as conforming appropriately to standards for activities carried out under this section.

(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

(3) A distribution of funds made under this section and a payment made to a veteran under a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.

(Added Pub. L. 87-574, §2(1), Aug. 6, 1962, 76 Stat. 308, §618; amended Pub. L. 94-581, title I, §105(a), Oct. 21, 1976, 90 Stat. 2845; Pub. L. 98-543, title III, §303, Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99-576, title II, §205, Oct. 28, 1986, 100 Stat. 3256; Pub. L. 102-54, §10, 14(b)(12), June 13, 1991, 105 Stat. 273, 284; renumbered §1718 and amended Pub. L. 102-83, §§2(c)(3), 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 402, 404-406; Pub. L. 102-86, title V, §506(a)(1), Aug. 14, 1991, 105 Stat. 426; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 102-585, title IV, §401, Nov. 4, 1992, 106 Stat. 4953; Pub. L. 103-446, title XII, §1201(i)(1), Nov. 2, 1994, 108 Stat. 4688.)

REFERENCES IN TEXT

The Fair Labor Standards Act, referred to in subsec. (c)(2), probably means the Fair Labor Standards Act of 1938, act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

AMENDMENTS

1994—Subsec. (c)(1). Pub. L. 103-446 substituted “Department of Veterans Affairs” for “Department”.

1992—Subsecs. (a), (b)(1), (c)(3). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director”.

Subsec. (f). Pub. L. 102-585 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

“(1) Neither a veteran's participation in an activity carried out under this section nor a veteran's receipt of a distribution as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

“(2) A distribution of funds made under this section shall be considered for purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.”

1991—Pub. L. 102-83, §5(a), renumbered section 618 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration”.

Subsec. (b)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration”.

Pub. L. 102-54, §10(a), substituted “a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)” for “contractual

arrangements with private industry or other sources outside the Veterans' Administration”.

Subsec. (b)(2). Pub. L. 102-86 amended subsec. (b)(2) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting “arrangements” for “arrangements” in first sentence.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Subsec. (c)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration”.

Pub. L. 102-54, §10(b), substituted “furnishing rehabilitative services authorized in” for “carrying out the provisions of”.

Subsec. (c)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans' Administration”.

Subsec. (c)(3). Pub. L. 102-83, §2(c)(3), substituted “section 529” for “section 214”.

Pub. L. 102-54, §14(b)(12), inserted “and” after “productivity”.

Subsec. (d). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted “1712(i)” for “612(i)”.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1986—Subsec. (a). Pub. L. 99-576, §205(1), substituted “may use” for “may utilize”, “purposes. Such” for “purposes, at nominal remuneration, and such”, and “use” for “utilization”.

Subsec. (b)(1). Pub. L. 99-576, §205(2), struck out “for remuneration” after “therapeutic work”.

Subsec. (c)(2), (3). Pub. L. 99-576, §205(3), substituted “distribute” for “pay” in par. (2), and substituted “rates of distribution” for “and wage rates” in par. (3).

Subsec. (f). Pub. L. 99-576, §205(4), designated existing provisions as par. (1), substituted “a distribution” for “remuneration”, and added par. (2).

1984—Subsec. (f). Pub. L. 98-543 added subsec. (f).

1976—Subsec. (a). Pub. L. 94-581, §105(a)(1), (2), designated existing provisions as subsec. (a) and substituted “In providing rehabilitative services under this chapter, the” for “The” and “health care facilities” for “hospitals and domiciliaries”.

Subsecs. (b) to (e). Pub. L. 94-581, §105(a)(3), added subsecs. (b) to (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING

Section 7 of Pub. L. 102-54, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, §501, Aug. 14, 1991, 105 Stat. 424; Pub. L. 103-452, title I, §103(f), Nov. 2, 1994, 108 Stat. 4787, provided that:

“(a) DEMONSTRATION PROGRAM.—During fiscal years 1991 through 1995, the Secretary of Veterans Affairs may carry out a compensated work therapy and therapeutic transitional housing demonstration program. The demonstration program shall have two components, as follows:

“(1) A component, under subsection (c), which provides for direct operation of therapeutic transitional housing in conjunction with the furnishing of compensated work therapy.

“(2) A component, under subsection (d), which provides for the contracting with nonprofit corporations to furnish compensated work therapy in conjunction with the operation of the therapeutic transitional housing.

“(b) ELIGIBLE VETERANS.—The veterans for whom therapeutic transitional housing may be provided under this section are veterans—

“(1) who are furnishing services to the Department of Veterans Affairs under subsection (a) of section 1718 of title 38, United States Code; or

“(2) who are furnished therapeutic work pursuant to subsection (b) of that section.

“(c) **AUTHORITY TO OPERATE RESIDENCES AS THERAPEUTIC TRANSITIONAL HOUSING.**—Under the demonstration program, the Secretary, in connection with the conduct of compensated work therapy programs, may operate residences as therapeutic transitional housing solely for veterans described in subsection (b) of this section. The Secretary may operate no more than 50 residences as therapeutic transitional housing under this subsection.

“(d) **CONTRACT AUTHORITY.**—(1) Under the demonstration program, the Secretary may contract with nonprofit corporations to conduct compensated work therapy programs under the demonstration program.

“(2) The Secretary may enter into a contract with a nonprofit corporation under the demonstration program only if the corporation provides assurances satisfactory to the Secretary that it will operate therapeutic transitional housing for eligible veterans in conjunction with an existing compensated work therapy program at a medical center. The contract may remain in effect only as long as the corporation operates the therapeutic transitional housing for eligible veterans in connection with the demonstration program.

“(3) A contract with a nonprofit corporation under this subsection may provide for the Secretary to furnish the corporation (with or without consideration) in-kind services, including—

“(A) technical and clinical advice;

“(B) supervision of the activities of compensated work therapy participants in the rehabilitation of any property for use as therapeutic transitional housing under the contract and for possible later sale as a private residence; and

“(C) minor maintenance of and minor repairs to such property.

“(e) **PROCUREMENT PROCEDURES.**—The Secretary may use such procurement procedures for the purchase, lease, or other acquisition of residential housing for purposes of this section as the Secretary considers appropriate to expedite the opening and operation of transitional housing and to protect the interests of the United States.

“(f) **CONDITIONS.**—A residence may be operated as transitional housing for veterans described in subsection (b) under the following conditions:

“(1) Only veterans described in such subsection and a house manager may reside in the residence.

“(2) Each resident, other than the house manager, shall pay rent for the period of residence in such housing.

“(3) In the establishment and operation of housing under this section, the Secretary shall consult with appropriate representatives of the community in which the housing is established and shall comply with zoning requirements, building permit requirements, and other similar requirements applicable to other real property used for similar purposes in the community.

“(4) The residence shall meet State and community fire and safety requirements applicable to other real property used for similar purposes in the community in which the transitional housing is located, but fire and safety requirements applicable to buildings of the Federal Government shall not apply to such property.

“(g) **HOUSE MANAGERS.**—The Secretary shall prescribe the qualifications for house managers for transitional housing units operated under this section. The Secretary may provide for free room and subsistence for house managers in addition to, or instead of payment of, a fee for such services.

“(h) **SOURCES OF HOUSING.**—(1) The Secretary may operate as transitional housing under this section—

“(A) any suitable residential property acquired by the Secretary as the result of a default on a loan

made, guaranteed, or insured under chapter 37 of title 38, United States Code; and

“(B) any other suitable residential property purchased, leased, or otherwise acquired by the Secretary.

“(2) In the case of any property referred to in paragraph (1)(A), the Secretary shall—

“(A) transfer administrative jurisdiction over such property within the Department from the Veterans Benefits Administration to the Veterans Health Services and Research Administration; and

“(B) transfer from the General Post Fund of the Department of Veterans Affairs to the Loan Guaranty Revolving Fund under chapter 37 of title 38, United States Code, an amount, not to exceed the amount the Secretary paid for the property, representing the amount the Secretary considers could be obtained by sale of such property to a nonprofit organization or a State for use as a shelter for homeless veterans.

“(3) In the case of any residential property obtained by the Secretary from the Department of Housing and Urban Development under this section, the amount paid by the Secretary to that Department for that property may not exceed the amount that the Secretary of Housing and Urban Development would charge for the sale of that property to a nonprofit organization or a State for use as a shelter for homeless persons. Funds for such charge shall be derived from the General Post Fund.

“(i) **RENT AND LENGTH OF RESIDENCE.**—The Secretary shall prescribe—

“(1) a procedure for establishing reasonable rental rates for persons residing in transitional housing; and

“(2) appropriate limits on the period for which such persons may reside in transitional housing.

“(j) **DISPOSAL OF PROPERTY.**—The Secretary may dispose of any property acquired for the purpose of this section. The proceeds of any such disposal shall be credited to the General Post Fund of the Department of Veterans Affairs.

“(k) **AVAILABILITY OF GENERAL POST FUND.**—Funds received by the Department under this section shall be deposited in the General Post Fund. The Secretary may distribute out of the fund such amounts as necessary for the acquisition, management, maintenance, and disposition of real property for the purpose of carrying out such program. The operation of the demonstration program and funds received shall be separately accounted for, and shall be stated in the documents accompanying the President's budget for each fiscal year.

“(l) **REPORT.**—After a demonstration program under this section has been in effect for two years, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the operation of the program. The Secretary shall include in the report such recommendations with regard to the program as the Secretary considers appropriate.”

SETTLEMENT OF CLAIMS

Section 105(b) of Pub. L. 94-581, as amended by Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067; Pub. L. 102-83, §6(a), Aug. 6, 1991, 105 Stat. 407, provided that:

“(1) The Secretary of Veterans Affairs may settle claims made by the Department of Veterans Affairs against any private nonprofit corporation organized under the laws of any State, for the use of facilities and personnel of the Department in work projects as a part of a therapeutic or rehabilitation program for patients and members in health care facilities of the Department, and to execute a binding release of all claims by the United States against any such corporation, in such amounts, and upon such terms and conditions as the Secretary considers appropriate.

“(2) For the purposes of this subsection, notwithstanding section 3302 of title 31, or any other provision of law, the Secretary may utilize any funds received under any settlement made pursuant to paragraph (1) of this subsection for any purpose agreed upon by the Secretary and such corporation.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 113 of this title.

§ 1719. Repair or replacement of certain prosthetic and other appliances

The Secretary may repair or replace any artificial limb, truss, brace, hearing aid, spectacles, or similar appliance (not including dental appliances) reasonably necessary to a veteran and belonging to such veteran which was damaged or destroyed by a fall or other accident caused by a service-connected disability for which such veteran is in receipt of, or but for the receipt of retirement pay would be entitled to, disability compensation.

(Added Pub. L. 87-850, §1(a), Oct. 23, 1962, 76 Stat. 1126, §619; amended Pub. L. 94-581, title II, §210(a)(6), Oct. 21, 1976, 90 Stat. 2862; renumbered §1719 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 619 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1976—Pub. L. 94-581 substituted "belonging to such veteran" for "belonging to him".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section 2 of Pub. L. 87-850 provided that: "The amendment made by this Act [enacting this section] shall apply only with respect to the repair or replacement of artificial limbs, trusses, braces, hearing aids, spectacles, and similar devices damaged or destroyed after the date of enactment of this Act [Oct. 23, 1962]."

§ 1720. Transfers for nursing home care; adult day health care

(a)(1) Subject to subsection (b) of this section, the Secretary may transfer to a non-Department nursing home, for care at the expense of the United States—

(A) a veteran—

(i) who has been furnished hospital care, nursing home care, or domiciliary care by the Secretary in a facility under the direct jurisdiction of the Secretary; and

(ii) who the Secretary determines—

(I) requires a protracted period of nursing home care which can be furnished in the non-Department nursing home; and

(II) in the case of a veteran who has been furnished hospital care in a facility under the direct jurisdiction of the Secretary, has received maximum benefits from such care; and

(B) a member of the Armed Forces—

(i) who has been furnished care in a hospital of the Armed Forces;

(ii) who the Secretary concerned determines has received maximum benefits from such care but requires a protracted period of nursing home care; and

(iii) who upon discharge from the Armed Forces will become a veteran.

(2) The Secretary may transfer a person to a nursing home under this subsection only if the Secretary determines that the cost to the United States of the care of such person in the nursing home will not exceed—

(A) the amount equal to 45 percent of the cost of care furnished by the Department in a general hospital under the direct jurisdiction of the Secretary (as such cost may be determined annually by the Secretary); or

(B) the amount equal to 50 percent of such cost, if such higher amount is determined to be necessary by the Secretary (upon the recommendation of the Under Secretary for Health) to provide adequate care.

(3) Nursing home care may not be furnished under this subsection at the expense of the United States for more than six months in the aggregate in connection with any one transfer except—

(A) in the case of a veteran—

(i) who is transferred to a non-Department nursing home from a hospital under the direct jurisdiction of the Secretary; and

(ii) whose hospitalization was primarily for a service-connected disability;

(B) in a case in which the nursing home care is required for a service-connected disability; or

(C) in a case in which, in the judgment of the Secretary, a longer period of nursing home care is warranted.

(4) A veteran who is furnished care by the Secretary in a hospital or domiciliary facility in Alaska or Hawaii may be furnished nursing home care at the expense of the United States under this subsection even if such hospital or domiciliary facility is not under the direct jurisdiction of the Secretary.

(b) No veteran may be transferred or admitted to any institution for nursing home care under this section, unless such institution is determined by the Secretary to meet such standards as the Secretary may prescribe. The standards prescribed and any report of inspection of institutions furnishing care to veterans under this section made by or for the Secretary shall, to the extent possible, be made available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

(c) In applying the provisions of section 2(b)(1) of the Service Contract Act of 1965 (41 U.S.C. 351(b)(1)) with respect to any contract entered into under this section to provide nursing home care of veterans, the payment of wages not less than those specified in section 6(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(b)) shall be deemed to constitute compliance with such provisions.

(d)(1) Subject to subsection (b) of this section, the Secretary may authorize for any veteran requiring nursing home care for a service-connected disability direct admission for such care at the expense of the United States to any non-Department nursing home. The Secretary may also authorize a direct admission to such a nursing home for nursing home care for any veteran who has been discharged from a hospital under the direct jurisdiction of the Secretary and who

is currently receiving medical services as part of home health services from the Department.

(2) Direct admission authorized by paragraph (1) of this subsection may be authorized upon determination of need therefor—

(A) by a physician employed by the Department; or

(B) in areas where no such physician is available, by a physician carrying out such function under contract or fee arrangement,

based on an examination by such physician.

(3) The amount which may be paid for such care and the length of care available under this subsection shall be the same as authorized under subsection (a) of this section.

(e)(1) The cost of intermediate care for purposes of payment by the United States pursuant to subsection (a)(2)(B) of this section shall be determined by the Secretary except that the rate of reimbursement shall be commensurately less than that provided for nursing home care.

(2) For the purposes of this section, the term “non-Department nursing home” means a public or private institution not under the direct jurisdiction of the Secretary which furnishes nursing home care.

(f)(1)(A) The Secretary is authorized to furnish adult day health care as provided for in this subsection. For the purpose only of authorizing the furnishing of such care and specifying the terms and conditions under which it may be furnished to veterans needing such care—

(i) references to “nursing home care” in subsections (a) through (d) of this section shall be deemed to be references to “adult day health care”; and

(ii) a veteran who is eligible for medical services under section 1712(a)(1)(B) of this title shall be deemed to be a veteran described in subsection (a)(1) of this section.

(B) The Secretary may provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility furnishing care to veterans under subparagraph (A) of this paragraph. Any such in-kind assistance shall be provided under a contract between the Secretary and the facility concerned. The Secretary may provide such assistance only for use solely in the furnishing of adult day health care and only if, under such contract, the Department receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

(2) The Secretary may conduct, at facilities over which the Secretary has direct jurisdiction, programs for the furnishing of adult day health care to veterans who are eligible for such care under paragraph (1) of this subsection, except that necessary travel and incidental expenses (or transportation in lieu thereof) may be furnished under such a program only under the terms and conditions set forth in section 111 of this title. The furnishing of care under any such

program shall be subject to the limitations that are applicable to the duration of adult day health care furnished under paragraph (1) of this subsection.

(3) Adult day health care may not be furnished under this section after September 30, 1991.

(Added Pub. L. 88-450, §2(a), Aug. 19, 1964, 78 Stat. 500, §620; amended Pub. L. 90-429, July 26, 1968, 82 Stat. 446; Pub. L. 90-612, §§1, 3, Oct. 21, 1968, 82 Stat. 1202; Pub. L. 91-101, Oct. 30, 1969, 83 Stat. 167; Pub. L. 93-82, title I, §104, Aug. 2, 1973, 87 Stat. 182; Pub. L. 94-581, title I, §106, title II, §§202(h), 210(a)(7), Oct. 21, 1976, 90 Stat. 2847, 2856, 2863; Pub. L. 97-295, §4(19), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 98-160, title I, §103(a)(1), (2), Nov. 21, 1983, 97 Stat. 995; Pub. L. 99-166, title I, §108(a)-(c), Dec. 3, 1985, 99 Stat. 946, 947; Pub. L. 99-272, title XIX, §1901(d)(5), Apr. 7, 1986, 100 Stat. 379; Pub. L. 100-322, title I, §§103(b), 111(a), May 20, 1988, 102 Stat. 493, 499; renumbered §1720 and amended Pub. L. 102-83, §§4(a)(2)(A)(ii), (3)-(5), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403-406; Pub. L. 102-405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984.)

PRIOR PROVISIONS

Prior section 1720 was renumbered section 3520 of this title.

AMENDMENTS

1992—Subsec. (a)(2)(B). Pub. L. 102-405 substituted “Under Secretary for Health” for “Chief Medical Director”.

1991—Pub. L. 102-83, §5(a), renumbered section 620 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing in par. (1) introductory provisions and subpar. (A) and pars. (2) to (4).

Pub. L. 102-83, §4(a)(5), substituted “non-Department” for “non-Veterans’ Administration” wherever appearing in pars. (1) and (3)(A)(i).

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in par. (2)(A).

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (d)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102-83, §4(a)(5), substituted “non-Department” for “non-Veterans’ Administration”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (d)(2)(A). Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsec. (e). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in pars. (1) and (2).

Pub. L. 102-83, §4(a)(5), substituted “non-Department” for “non-Veterans’ Administration” in par. (2).

Subsec. (f)(1)(A). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions.

Subsec. (f)(1)(A)(ii). Pub. L. 102-83, §5(c)(1), substituted “1712(a)(1)(B)” for “612(a)(1)(B)”.

Subsec. (f)(1)(B). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” before “may” in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” wherever appearing.

Pub. L. 102-83, §4(a)(2)(A)(ii), substituted “Secretary” for “Veterans’ Administration” in second sentence.

Subsec. (f)(2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

1988—Subsec. (e)(1). Pub. L. 100-322, §103(b), struck out “For the purposes of this section, the term ‘nursing

home care' includes intermediate care, as determined by the Administrator in accordance with regulations which the Administrator shall prescribe." at beginning and struck out "(as defined in section 101(28) of this title)" after "provided for nursing home care".

Subsec. (f)(3). Pub. L. 100-322, §111(a), substituted "September 30, 1991" for "September 30, 1988".

1986—Subsec. (f)(1)(A)(ii). Pub. L. 99-272 substituted "612(a)(1)(B)" for "612(f)(2)".

1985—Subsec. (a). Pub. L. 99-166, §108(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Subject to subsection (b) and except as provided in subsection (e) of this section, the Administrator may transfer—

"(1) Any veteran who has been furnished care by the Administrator in a hospital under the direct jurisdiction of the Administrator, and

"(2) Any person (A) who has been furnished care in any hospital of any of the Armed Forces, (B) who the appropriate Secretary concerned has determined has received maximum hospital benefits but requires a protracted period of nursing home care, and (C) who upon discharge therefrom will become a veteran to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care, for care at the expense of the United States, only if the Administrator determines that—

"(i) such veteran has received maximum benefits from such care in such hospital, but will require a protracted period of nursing home care which can be furnished in such institution, and

"(ii) the cost of such nursing home care in such institution will not exceed 45 percent of the cost of care furnished by the Veterans' Administration in a general hospital under the direct and exclusive jurisdiction of the Administrator, as such cost may be determined annually by the Administrator, or not to exceed 50 percent of such cost where determined necessary by the Administrator, upon recommendation of the Chief Medical Director, to provide adequate care.

Nursing home care may not be furnished pursuant to this section at the expense of the United States for more than six months in the aggregate in connection with any one transfer, except (I) in the case of the veteran whose hospitalization was primarily for a service-connected disability, or (II) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran. Any veteran who is furnished care by the Administrator in a hospital in Alaska or Hawaii may be furnished nursing home care under the provisions of this section even if such hospital is not under the direct jurisdiction of the Administrator."

Subsec. (d). Pub. L. 99-166, §108(b), designated existing first sentence as par. (1), substituted "to any non-Veterans' Administration nursing home" for "to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care", inserted "The Administrator may also authorize a direct admission to such a nursing home for nursing home care for any veteran who has been discharged from a hospital under the direct jurisdiction of the Administrator and who is currently receiving medical services as part of home health services from the Veterans' Administration.", substituted par. (2) for "Such admission may be authorized upon determination of need therefor by a physician employed by the Veterans' Administration or, in areas where no such physician is available, carrying out such function under contract or fee arrangement based on an examination by such physician.", and designated existing last sentence as par. (3).

Subsec. (e). Pub. L. 99-166, §108(c), designated existing provisions as par. (1), substituted "subsection (a)(2)(B)" for "subsection (a)(ii)" in second sentence, and added par. (2).

1983—Pub. L. 98-160, §103(a)(2), inserted "adult day health care" in section catchline.

Subsec. (f). Pub. L. 98-160, §103(a)(1), added subsec. (f). 1982—Subsec. (a)(ii) Pub. L. 97-295, §4(19)(A), substituted "percent" for "per centum" wherever appearing.

Subsec. (c). Pub. L. 97-295, §4(19)(B), inserted "(41 U.S.C. 351(b)(1))" after "the Service Contract Act of 1965" and substituted "(29 U.S.C. 206(b))" for "as amended,".

1976—Subsec. (a). Pub. L. 94-581, §§106(1)–(3), 202(h), inserted "and except as provided in subsection (e)" after "subsection (b)" in provisions preceding par. (1), substituted "direct jurisdiction" for "direct and exclusive jurisdiction" in par. (1), substituted "45 per centum" for "40 per centum" and "annually" for "from time to time" in cl. (ii) and inserted "or not to exceed 50 per centum of such cost where determined necessary by the Administrator, upon recommendation of the Chief Medical Director, to provide adequate care" at the end thereof, and substituted "direct jurisdiction" for "direct and exclusive jurisdiction" in provisions following cl. (ii).

Subsec. (b). Pub. L. 94-581, §210(a)(7), substituted "such standards as the Administrator may prescribe" for "such standards as he may prescribe".

Subsec. (e). Pub. L. 94-581, §106(4), added subsec. (e). 1973—Subsec. (a). Pub. L. 93-82, §104(a), (b), designated cls. (1) and (2) as (i) and (ii), respectively, and in provisions preceding cl. (i) as so designated, substituted authority of the Administrator to transfer veterans and other persons under pars. (1) and (2), for authority of the Administrator to transfer veterans who have been furnished care by the Administrator in a hospital under the direct and exclusive jurisdiction of the Administrator, to any public or private institution not under the jurisdiction of the Administrator which furnishes nursing home care for care at the expense of the United States, and in the provisions following cl. (ii) as so designated, substituted designations (I) and (II) for designations (A) and (B).

Subsec. (b). Pub. L. 93-82, §104(c), inserted provisions relating to the admissions of veterans to institutions for nursing home care and for the furnishing of standards and reports to Federal, State and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting such institutions.

Subsec. (d). Pub. L. 93-82, §104(d), added subsec. (d).

1969—Subsec. (a). Pub. L. 91-101 inserted provision authorizing the furnishing of nursing home care for more than six months in the aggregate in connection with any one transfer in the case of a veteran whose hospitalization was primarily for a service-connected disability.

1968—Subsec. (a). Pub. L. 90-612, §1, authorized furnishing of nursing home care to veterans who are being furnished care by the Administrator in hospitals in Alaska or Hawaii even if the hospitals involved are not under the direct and exclusive jurisdiction of the Administrator.

Subsec. (a)(2). Pub. L. 90-429 substituted "40 per centum" for "one-third".

Subsec. (c). Pub. L. 90-612, §3, added subsec. (c).

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-272 applicable to hospital care, nursing home care, and medical services furnished on or after July 1, 1986, see section 1901(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

COMPARISON STUDY BETWEEN ADULT DAY HEALTH CARE AND NURSING HOME CARE

Section 111(b), (c) of Pub. L. 100-322 directed Administrator to conduct a study of medical efficacy and cost-effectiveness of furnishing adult day health care under

subsec. (f) of this section as an alternative to nursing home care and the comparative advantages and disadvantages of providing such care through facilities that are not under direct jurisdiction of Administrator and through facilities that are under direct jurisdiction of Administrator, with Administrator to submit to Committees on Veterans' Affairs of Senate and House of Representatives an interim report on the study not later than Feb. 1, 1988, a final report on such study not later than Feb. 1, 1991.

Section 103(b), (c) of Pub. L. 98-160, which provided for a study and report, not later than Feb. 1, 1988, of the medical efficacy and cost-effectiveness of furnishing adult day health care as an alternative for nursing home care and of the comparative advantages and disadvantages of providing such care in Veterans' Administration or in other facilities, was repealed by Pub. L. 100-322, title I, § 111(d), May 20, 1988, 102 Stat. 499.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1703, 1710, 1724, 1741, 1742, 2303, 8105, 8134 of this title; title 42 section 300dd-21.

§ 1720A. Treatment and rehabilitation for alcohol or drug dependence or abuse disabilities

(a)(1) The Secretary, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities for eligible veterans suffering from alcohol or drug dependence or abuse disabilities.

(2) Before furnishing such care and services to any veteran through a contract facility as authorized by paragraph (1) of this subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

(b) The Secretary, in consultation with the Secretary of Labor and the Director of the Office of Personnel Management, may take appropriate steps to (1) urge all Federal agencies and appropriate private and public firms, organizations, agencies, and persons to provide appropriate employment and training opportunities for veterans who have been provided treatment and rehabilitative services under this title for alcohol or drug dependence or abuse disabilities and have been determined by competent medical authority to be sufficiently rehabilitated to be employable, and (2) provide all possible assistance to the Secretary of Labor in placing such veterans in such opportunities.

(c) Upon receipt of an application for treatment and rehabilitative services under this title for an alcohol or drug dependence or abuse disability from any individual who has been discharged or released from active military, naval, or air service but who is not eligible for such treatment and services, the Secretary shall—

(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining treatment and rehabilitative services from sources outside the Department; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appro-

priate military, naval, or air service and the Department for review of such individual's discharge or release from such service.

(d)(1) Any person serving in the active military, naval, or air service who is determined by the Secretary concerned to have an alcohol or drug dependence or abuse disability may not be transferred to any facility in order for the Secretary to furnish care or treatment and rehabilitative services for such disability unless such transfer is during the last thirty days of such member's enlistment period or tour of duty, in which case such care and services provided to such member shall be provided as if such member were a veteran. Any transfer of any such member for such care and services shall be made pursuant to such terms as may be agreed upon by the Secretary concerned and the Secretary, subject to the provisions of sections 1535 and 1536 of title 31.

(2) No person serving in the active military, naval, or air service may be transferred pursuant to an agreement made under paragraph (1) of this subsection unless such person requests such transfer in writing for a specified period of time during the last thirty days of such person's enlistment period or tour of duty. No such person transferred pursuant to such a request may be furnished such care and services by the Secretary beyond the period of time specified in such request unless such person requests in writing an extension for a further specified period of time and such request is approved by the Secretary.

(e) The Secretary may not furnish care and treatment and rehabilitative services under subsection (a) of this section after December 31, 1995.

(f)(1) During the period beginning on December 1, 1988, and ending on October 1, 1997, the Secretary shall conduct an ongoing clinical evaluation in order to determine the long-term results of drug and alcohol abuse treatment furnished to veterans in contract residential treatment facilities under this section.

(2) The evaluation shall include an assessment of the following:

(A) The long-term results of treatment referred to in paragraph (1) of this subsection on drug and alcohol use by veterans who may have received such treatment.

(B) The need for hospitalization of such veterans for drug and alcohol abuse after completion of the residential treatment.

(C) The employment status and income of such veterans.

(D) The extent of any criminal activity of such veterans.

(E) Whether certain models and methods of residential treatment for drug and alcohol abuse are more successful for veterans with specific abuses, specific levels of resources available to them, and specific needs than are other models and methods.

(3) To the extent feasible, the Secretary shall select for consideration in the evaluation veterans whose treatment for drug and alcohol abuse in contract residential treatment facilities under such section represents a variety of models and methods of residential drug and alcohol abuse treatment.

(4) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives the following reports on the evaluation under this subsection:

(A) Not later than February 1, 1993, an interim report containing information obtained during the first four years of the evaluation and any conclusions that the Secretary has drawn on the basis of that information.

(B) Not later than March 31, 1998, a final report containing information obtained during the evaluation and the determinations and conclusions of the Secretary based on that information.

(g) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Added Pub. L. 96-22, title I, §104(a), June 13, 1979, 93 Stat. 50, §620A; amended Pub. L. 96-128, title V, §501(c), Nov. 28, 1979, 93 Stat. 987; Pub. L. 97-251, §6, Sept. 8, 1982, 96 Stat. 716; Pub. L. 97-258, §3(k)(1), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 99-108, §3, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99-166, title I, §101(a), (b)(1), Dec. 3, 1985, 99 Stat. 942, 943; Pub. L. 100-687, div. B, title XV, §1509, Nov. 18, 1988, 102 Stat. 4137; Pub. L. 100-689, title V, §502(a)(1), (b), Nov. 18, 1988, 102 Stat. 4179; Pub. L. 102-54, §14(b)(13), June 13, 1991, 105 Stat. 284; renumbered §1720A and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title III, §303, Aug. 14, 1991, 105 Stat. 416; Pub. L. 103-452, title I, §103(b), Nov. 2, 1994, 108 Stat. 4786.)

AMENDMENTS

1994—Subsec. (e). Pub. L. 103-452 substituted "December 31, 1995" for "December 31, 1994".

1991—Pub. L. 102-83, §5(a), renumbered section 620A of this title as this section.

Subsecs. (a), (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (c). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in pars. (1) and (2).

Subsec. (d). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (e). Pub. L. 102-86 amended subsec. (e) of this section as in effect before the redesignations made by Pub. L. 102-83, §5, by substituting "December 31, 1994" for "September 30, 1991".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (f). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 102-54 struck out "during the period" before "beginning" in par. (1).

Subsec. (g). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1988—Subsec. (e). Pub. L. 100-689, §502(a)(1), substituted "1991" for "1988".

Subsec. (f). Pub. L. 100-689, §502(b), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

"(1) The Administrator shall monitor the performance of each contract facility furnishing care and services under the program carried out under subsection (a) of this section.

"(2) The Administrator shall use the results of such monitoring to determine—

"(A) with respect to the program, the medical advantages and cost-effectiveness that result from furnishing such care and services; and

"(B) with respect to such contract facilities generally, the level of success under the program, considering—

"(i) the rate of successful rehabilitation for veterans furnished care and services under the program;

"(ii) the rate of readmission to contract facilities under the program or to Veterans' Administration health-care facilities by such veterans for care or services for disabilities referred to in subsection (a) of this section;

"(iii) whether the care and services furnished under the program obviated the need of such veterans for hospitalization for such disabilities;

"(iv) the average duration of the care and services furnished such veterans under the program;

"(v) the ability of the program to aid in the transition of such veterans back into their communities; and

"(vi) any other factor that the Administrator considers appropriate.

"(3) The Administrator shall maintain records of—

"(A) the total cost for the care and services furnished by each contract facility under the program;

"(B) the average cost per veteran for the care and services furnished under the program; and

"(C) the appropriateness of such costs, by comparison to—

"(i) the average charges for the same types of care and services furnished generally by other comparable halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community-based treatment facilities; and

"(ii) the historical costs for such care and services for the period of time that the program carried out under subsection (a) of this section was a pilot program, taking into account economic inflation.

"(4) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the experience under the program carried out under this section during fiscal years 1984 through 1987. The report shall include—

"(A) a description of the care and services furnished;

"(B) the matters referred to in paragraphs (1), (2), and (3) of this subsection; and

"(C) the Administrator's findings, assessment, and recommendations regarding the program under this section."

Subsec. (f)(1). Pub. L. 100-687 substituted "during the period beginning on December 1, 1988, and ending on October 1, 1997" for "before October 1, 1997" in par. (1) as amended by Pub. L. 100-689 above.

1985—Pub. L. 99-166, §101(b)(1), struck out "; pilot program" after "disabilities" in section catchline.

Subsec. (a)(1). Pub. L. 99-166, §101(a)(1), struck out "may conduct a pilot program under which the Administrator" before "may contract" in first sentence, and struck out second sentence relating to the planning, designing, and conducting of a pilot program by the Chief Medical Director so as to demonstrate any medical advantages and cost effectiveness that might result from furnishing care and services to disabled veterans in contract facilities as authorized by this section, rather than in facilities over which the Administrator had jurisdiction.

Subsec. (e). Pub. L. 99-166, §101(a)(2), substituted "September 30, 1988" for "October 31, 1985".

Pub. L. 99-108 substituted "October 31, 1985" for "the last day of the fifth fiscal year following the fiscal year in which the pilot program authorized by such subsection is initiated".

Subsec. (f). Pub. L. 99-166, §101(a)(3), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: "Not later than March 31, 1984, the Administrator shall report to the Committee on Veterans' Affairs of the Senate and House of Representatives on the

findings and recommendations of the Administrator pertaining to the operation through September 30, 1983, of the pilot program authorized by this section."

1982—Subsec. (d)(1). Pub. L. 97-258 substituted "sections 1535 and 1536 of title 31" for "the Act of March 4, 1915 (31 U.S.C 686)" after "provisions of".

Subsec. (f). Pub. L. 97-251 substituted "March 31, 1984" and "September 30, 1983" for "March 31, 1983" and "September 30, 1982", respectively.

1979—Subsec. (a)(1). Pub. L. 96-128, §501(c)(1), substituted "treatment facilities for" for "treatment facilities of".

Subsec. (d)(2). Pub. L. 96-128, §501(c)(2), substituted "such request unless" for "such request, unless".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-128 effective Nov. 28, 1979, see section 601(b) of Pub. L. 96-128, set out as a note under section 1114 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

LOANS TO ORGANIZATIONS PROVIDING TRANSITIONAL HOUSING FOR SUBSTANCE ABUSERS

Section 8 of Pub. L. 102-54 provided that:

"(a) LOAN PROGRAM.—The Secretary of Veterans Affairs may make loans in accordance with this section to assist in the provision of transitional housing exclusively to veterans who are in (or who recently have been in) a program for the treatment of substance abuse.

"(b) LOAN RECIPIENTS.—A loan under this section may only be made to a nonprofit organization under selection criteria promulgated by the Secretary and only to assist that organization in leasing housing units for use as a group residence for the purposes described in subsection (a). The amount of such a loan that is used with respect to any single residential unit may not exceed \$4,500. In making loans under this subsection, the Secretary shall, except to the extent that the Secretary determines that it is infeasible to do so, ensure that—

"(1) each loan is repaid within two years after the date on which the loan is made;

"(2) each loan is repaid through monthly installments and that a reasonable penalty is assessed for each failure to pay an installment by the date specified in the loan agreement involved; and

"(3) each loan is made only to a nonprofit private entity which agrees that, in the operation of each residence established with the assistance of the loan—

"(A) the use of alcohol or any illegal drug in the residence will be prohibited;

"(B) any resident who violates the prohibition in subclause (A) of this clause will be expelled from the residence;

"(C) the costs of maintaining the residence, including fees for rent and utilities, will be paid by the residents;

"(D) the residents will, through a majority vote of the residents, otherwise establish policies governing the conditions of residence, including the manner in which applications for residence are approved; and

"(E) the residence will be operated solely as a residence for not less than six veterans.

"(c) FUNDING.—Loans under this section shall be made from the special account of the General Post Fund of the Department of Veterans Affairs established for purposes of this section. The amount of such loans outstanding at any time may not exceed \$100,000. Amounts received as payment of principal and interest on such loans shall be deposited in that account. The operation of the loan program under this section shall be separately accounted for, and shall be separately

stated in the documents accompanying the President's budget for each fiscal year.

"(d) TERMS AND CONDITIONS.—Loans under this section shall be made on such terms and conditions, including interest, as the Secretary prescribes.

"(e) REPORT.—After the end of the 15-month period beginning on the date the first loan is extended under this section, the Secretary shall issue a report on the Department's experience under the section. The report shall include the following information:

"(1) The default rate on loans extended under this section.

"(2) The manner in which loan payments are collected.

"(3) The number of facilities at which loans have been extended.

"(4) The adequacy of the amount of funds in the special account referred to in subsection (c)."

EVALUATION OF VETERANS' ADMINISTRATION INPATIENT AND OUTPATIENT DRUG AND ALCOHOL TREATMENT PROGRAMS

Pub. L. 100-690, title II, §2501, Nov. 18, 1988, 102 Stat. 4232, directed Administrator of Veterans' Affairs to conduct an evaluation of inpatient and outpatient drug and alcohol treatment programs operated by the Veterans' Administration, such evaluation to include a determination of medical advantages and cost-effectiveness of such programs, taking into consideration rates of readmission and the rate of successful rehabilitation, and authorized appropriations for this purpose for fiscal years 1989, 1990, and 1991.

RATIFICATION FOR LAPSED PERIOD

Section 502(a)(2) of Pub. L. 100-689 ratified actions by the Administrator of Veterans' Affairs in providing, during the period beginning Oct. 1, 1988, and ending Nov. 18, 1988, for care and treatment and rehabilitative services under this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1703 of this title; title 29 section 1721.

§ 1720B. Respite care

(a) The Secretary may furnish respite care services to a veteran who is eligible to receive care under section 1710 of this title.

(b) For the purpose of this section, the term "respite care" means hospital or nursing home care which—

(1) is of limited duration;

(2) is furnished in a Department facility on an intermittent basis to a veteran who is suffering from a chronic illness and who resides primarily at home; and

(3) is furnished for the purpose of helping the veteran to continue residing primarily at home.

(Added Pub. L. 99-576, title II, §201(a)(1), Oct. 28, 1986, 100 Stat. 3254, §620B; amended Pub. L. 101-237, title II, §201(a), Dec. 18, 1989, 103 Stat. 2066; renumbered §1720B and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title V, §502, Nov. 4, 1992, 106 Stat. 4955.)

AMENDMENTS

1992—Subsec. (c). Pub. L. 102-585 struck out subsec. (c) which read as follows: "The authority provided by this section terminates on September 30, 1992."

1991—Pub. L. 102-83, §5(a), renumbered section 620B of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1710" for "610".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (b)(2). Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

1989—Subsec. (c). Pub. L. 101-237 substituted "September 30, 1992" for "September 30, 1989".

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS DURING TRANSITION PERIODS

Section 604 of Pub. L. 101-237 ratified actions of the Secretary of Veterans Affairs in carrying out this section, section 115 of Pub. L. 100-322 [38 U.S.C. 1712 note], section 618 of Pub. L. 100-440 [5 U.S.C. 6302 note], or section 1829 [now 3729] of this title, by contract or otherwise, during the period beginning Dec. 1, 1989, and ending Dec. 18, 1989.

Pub. L. 101-110, §3(b), Oct. 6, 1989, 103 Stat. 682, ratified actions of the Secretary of Veterans Affairs in carrying out this section, section 115 of Pub. L. 100-322 [38 U.S.C. 1712 note], section 618 of Pub. L. 100-440 [5 U.S.C. 6302 note], or section 1829 [now 3729] of this title, by contract or otherwise, during the period beginning Oct. 1, 1989, and ending Oct. 6, 1989.

INTERIM EXTENSION OF RESPITE CARE PROGRAM

Pub. L. 101-110, §1(a), Oct. 6, 1989, 103 Stat. 682, provided that: "Notwithstanding the provisions of subsection (c) of section 620B [now 1720B] of title 38, United States Code, the authority provided by such section shall terminate on November 30, 1989."

REPORT

Section 201(b) of Pub. L. 99-576 provided that if the Administrator of Veterans' Affairs furnished respite care under this section, the Administrator was to conduct an evaluation of the health efficacy and cost-effectiveness of furnishing such care and submit to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than Feb. 1, 1989, a report containing the results of such evaluation and appropriate recommendations.

§ 1720C. Noninstitutional alternatives to nursing home care: pilot program

(a) During the period through September 30, 1995, the Secretary may conduct a pilot program for the furnishing of medical, rehabilitative, and health-related services in noninstitutional settings for veterans who are eligible under this chapter for, and are in need of, nursing home care. The Secretary shall give priority for participation in such program to veterans who—

- (1) are in receipt of, or are in need of, nursing home care primarily for the treatment of a service-connected disability; or
- (2) have a service-connected disability rated at 50 percent or more.

(b)(1) Under the pilot program conducted pursuant to subsection (a), the Secretary shall (A) furnish appropriate health-related services solely through contracts with appropriate public and private agencies that provide such services, and (B) designate Department health-care employees to furnish case management services to veteran furnished services under the program.

(2) For the purposes of paragraph (1), the term "case management services" includes the coordination and facilitation of all services furnished to a veteran by the Department of Veterans Affairs, either directly or through contract, including assessment of needs, planning, referral (including referral for services to be furnished by the Department, either directly or through a contract, or by an entity other than the Department), monitoring, reassessment, and followup.

(c) The Secretary may provide in-kind assistance (through the services of Department of Veterans Affairs employees and the sharing of other Department resources) to a facility furnishing services to veterans under subsection (b)(1)(A). Any such in-kind assistance shall be provided under a contract between the Department and the facility concerned. The Secretary may provide such assistance only for use solely in the furnishing of appropriate services under this section and only if, under such contract, the Department receives reimbursement for the full cost of such assistance (including the cost of services and supplies and normal depreciation and amortization of equipment). Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Department facility that provided the assistance.

(d) The total cost of providing services or in-kind assistance in the case of any veteran for any fiscal year under the pilot program may not exceed 65 percent of the cost that would have been incurred by the Department during that fiscal year if the veteran had been furnished, instead, nursing home care under section 1710 of this title during that fiscal year.

(e) The authority of the Secretary to enter into contracts under this section shall be effective for any fiscal year only to the extent that appropriations are available.

(Added Pub. L. 101-366, title II, §201(a)(1), Aug. 15, 1990, 104 Stat. 437, §620C; renumbered §1720C and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-452, title I, §103(c), Nov. 2, 1994, 108 Stat. 4786.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-452, in introductory provisions, substituted "During the period through September 30, 1995," for "During the four-year period beginning on October 1, 1990," and "care. The Secretary shall give priority for participation in such program to veterans who" for "care and who".

1991—Pub. L. 102-83, §5(a), renumbered section 620C of this title as this section.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted "1710" for "610".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 103(c)(1) of Pub. L. 103-452 provided that the amendment made by that section is effective Oct. 1, 1994.

REPORT TO CONGRESSIONAL COMMITTEES

Section 201(b) of Pub. L. 101-366, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-452, title I, §103(g), Nov. 2, 1994, 108 Stat. 4787, provided that: "Not later than February 1, 1995, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the Secretary's evaluation, findings, and conclusions regarding the conduct, through September 30, 1993, of the pilot program required by section 1720C [formerly 620C] of title 38, United States Code (as added by subsection (a)), and the results of the furnishing of care under such pilot program for the participating veterans. The report shall include a description of the conduct of the pilot program (including a description of the veterans furnished services and of the services furnished under the pilot program), and any plans for administrative ac-

tion, and any recommendations for legislation, that the Secretary considers appropriate to include in the report."

§ 1720D. Counseling and treatment for sexual trauma

(a)(1) During the period through December 31, 1998, the Secretary may provide counseling to a veteran who the Secretary determines requires such counseling to overcome psychological trauma, which in the judgment of a mental health professional employed by the Department, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty.

(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to a veteran for an injury, illness, or other psychological condition that the Secretary determines to be the result of a physical assault, battery, or harassment referred to in that paragraph.

(3) In furnishing counseling to a veteran under this subsection, the Secretary may, during the period through December 31, 1998, provide such counseling pursuant to a contract with a qualified mental health professional if (A) in the judgment of a mental health professional employed by the Department, the receipt of counseling by that veteran in facilities of the Department would be clinically inadvisable, or (B) Department facilities are not capable of furnishing such counseling to that veteran economically because of geographical inaccessibility.

(b)(1) The Secretary shall give priority to the establishment and operation of the program to provide counseling and care and services under subsection (a). In the case of a veteran eligible for counseling and care and services under subsection (a), the Secretary shall ensure that the veteran is furnished counseling and care and services under this section in a way that is coordinated with the furnishing of such care and services under this chapter.

(2) In establishing a program to provide counseling under subsection (a), the Secretary shall—

(A) provide for appropriate training of mental health professionals and such other health care personnel as the Secretary determines necessary to carry out the program effectively;

(B) seek to ensure that such counseling is furnished in a setting that is therapeutically appropriate, taking into account the circumstances that resulted in the need for such counseling; and

(C) provide referral services to assist veterans who are not eligible for services under this chapter to obtain those from sources outside the Department.

(c) The Secretary shall provide information on the counseling available to veterans under this section. Efforts by the Secretary to provide such information—

(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number); and

(2) shall include coordination with the Secretary of Defense seeking to ensure that indi-

viduals who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for counseling under this section.

(d) In this section, the term "sexual harassment" means repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.

(Added Pub. L. 102-585, title I, § 102(a)(1), Nov. 4, 1992, 106 Stat. 4945; amended Pub. L. 103-452, title I, § 101(a)-(d), (f)(1), (2)(A), (g)(1), Nov. 2, 1994, 108 Stat. 4783, 4784.)

AMENDMENTS

1994—Pub. L. 103-452, § 101(f)(2)(A), substituted "and treatment" for "to women veterans" in section catchline.

Subsec. (a)(1). Pub. L. 103-452, § 101(b)(1), (f)(1)(A), substituted "December 31, 1998," for "December 31, 1995," and struck out "woman" after "counseling to a".

Subsec. (a)(2). Pub. L. 103-452, § 101(a), added par. (2) and struck out former par. (2) which read as follows: "To be eligible to receive counseling under this subsection, a veteran must seek such counseling from the Secretary within two years after the date of the veteran's discharge or release from active military, naval, or air service."

Subsec. (a)(3). Pub. L. 103-452, § 101(b)(2), substituted "December 31, 1998," for "December 31, 1994,".

Subsec. (b). Pub. L. 103-452, § 101(c), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: "In providing services to a veteran under subsection (a), the period for which counseling is provided may not exceed one year from the date of the commencement of the furnishing of such counseling to the veteran. However, the Secretary may authorize a longer period in any case if, in the judgment of the Secretary, a longer period of counseling is required."

Subsec. (b)(1). Pub. L. 103-452, § 101(d), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "The Secretary shall give priority to the establishment and operation of the program to provide counseling under subsection (a). In the case of a veteran eligible for such counseling who requires other care or services under this chapter for trauma described in subsection (a)(1), the Secretary shall ensure that the veteran is furnished counseling under this section in a way that is coordinated with the furnishing of such other care and services under this chapter."

Subsec. (b)(2)(C). Pub. L. 103-452, § 101(f)(1)(B), struck out "women" after "assist".

Subsec. (c). Pub. L. 103-452, § 101(f)(1)(B), struck out "women" after "available to" in introductory provisions.

Pub. L. 103-452, § 101(c)(2), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(1). Pub. L. 103-452, § 101(g)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "may include establishment of an information system involving the use of a toll-free telephone number (commonly referred to as an 800 number), and".

Subsec. (c)(2). Pub. L. 103-452, § 101(f)(1)(C), substituted "individuals" for "women".

Subsecs. (d), (e). Pub. L. 103-452, § 101(c)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

INFORMATION ON TELEPHONE COUNSELING AVAILABILITY; PERSONNEL TRAINING; CLIENT CONFIDENTIALITY; PUBLICITY; REPORT

Section 101(g)(2) to (5) of Pub. L. 103-452 provided that:

"(2) In providing information on counseling available to veterans as required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)), the Secretary of Veterans Affairs shall ensure that the

Department of Veterans Affairs personnel who provide assistance under such section are trained in the provision to persons who have experienced sexual trauma of information about the care and services relating to sexual trauma that are available to veterans in the communities in which such veterans reside, including care and services available under programs of the Department (including the care and services available under section 1720D of such title) and from non-Department agencies or organizations.

“(3) The telephone assistance service shall be operated in a manner that protects the confidentiality of persons who place calls to the system.

“(4) The Secretary shall ensure that information about the availability of the telephone assistance service is visibly posted in Department medical facilities and is advertised through public service announcements, pamphlets, and other means.

“(5) Not later than 18 months after the date of the enactment of this Act [Nov. 2, 1994], the Secretary shall submit to Congress a report on the operation of the telephone assistance service required under section 1720D(c)(1) of title 38, United States Code (as amended by paragraph (1)). The report shall set forth the following:

“(A) The number of persons who sought information during the period covered by the report through a toll-free telephone number regarding services available to veterans relating to sexual trauma, with a separate display of the number of such persons arrayed by State (as such term is defined in section 101(20) of title 38, United States Code).

“(B) A description of the training provided to the personnel who provide such assistance.

“(C) The recommendations and plans of the Secretary for the improvement of the service.”

TRANSITION PERIOD FOR ELIGIBILITY FOR COUNSELING

Section 102(b) of Pub. L. 102-585, as amended by Pub. L. 103-210, §2(b), Dec. 20, 1993, 107 Stat. 2497, provided that in the case of a veteran who was discharged or released from active military, naval, or air service before Dec. 31, 1992, the two-year period specified in 38 U.S.C. 1720D(a)(2) was to be treated as ending on Dec. 31, 1994, prior to repeal by Pub. L. 103-452, title I, §101(h), Nov. 2, 1994, 108 Stat. 4785.

COMMENCEMENT OF PROVISION OF INFORMATION ON SERVICES

Section 104 of Pub. L. 102-585 directed Secretary of Veterans Affairs, not later than 90 days after Nov. 4, 1992, to commence the provision of information on the counseling relating to sexual trauma that is available to women veterans under 38 U.S.C. 1720D.

REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA COUNSELING PROGRAM

Section 105 of Pub. L. 102-585 directed Secretary of Veterans Affairs, not later than Mar. 31, 1994, to submit to Congress a comprehensive report on the Secretary's actions under 38 U.S.C. 1720D.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1712 of this title.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS RELATING TO HOSPITAL AND NURSING HOME CARE AND MEDICAL TREATMENT OF VETERANS

AMENDMENTS

1976—Pub. L. 94-581, title II, §202(i), Oct. 21, 1976, 90 Stat. 2856, inserted “AND NURSING HOME” in subchapter heading.

§ 1721. Power to make rules and regulations

Rules and regulations prescribed under section 501(a) of this title shall include rules and regula-

tions to promote good conduct on the part of persons who are receiving hospital, nursing home, and domiciliary care and medical services in Department facilities. The Secretary may prescribe in rules and regulations under such section limitations in connection with the furnishing of such care and services during a period of national emergency (other than a period of war or an emergency described in section 8111A of this title).

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1143, §621; Pub. L. 94-581, title II, §§202(j), 210(a)(8), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 100-322, title I, §133, May 20, 1988, 102 Stat. 507; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1721 and amended Pub. L. 102-83, §§2(c)(1), 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404-406.)

PRIOR PROVISIONS

Prior section 1721 was renumbered section 3521 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 621 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Pub. L. 102-83, §2(c)(1), substituted “501(a)” for “210(c)(1)”.

Pub. L. 102-40 substituted “8111A” for “5011A”.

1988—Pub. L. 100-322 amended section generally. Prior to amendment, section read as follows: “The Administrator shall prescribe—

“(1) such rules and procedure governing the furnishing of hospital, nursing home, and domiciliary care as the Administrator may deem proper and necessary;

“(2) limitations in connection with the furnishing of hospital, nursing home, and domiciliary care; and

“(3) such rules and regulations as the Administrator deems necessary in order to promote good conduct on the part of persons who are receiving hospital, nursing home, or domiciliary care in Veterans’ Administration facilities.”

1976—Cl. (1). Pub. L. 94-581, §§202(j), 210(a)(8), substituted “hospital, nursing home, and domiciliary care as the Administrator may deem” for “hospital and domiciliary care as he may deem”.

Cl. (2). Pub. L. 94-581, §202(j), substituted “hospital, nursing home, and domiciliary care” for “hospital and domiciliary care”.

Cl. (3). Pub. L. 94-581, §§202(j), 210(a)(8), substituted “as the Administrator deems” for “as he deems” and “hospital, nursing home, or domiciliary care” for “hospital or domiciliary care”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 1722. Determination of inability to defray necessary expenses; income thresholds

(a) For the purposes of section 1710(a)(1)(I) of this title, a veteran shall be considered to be unable to defray the expenses of necessary care if—

(1) the veteran is eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) the veteran is in receipt of pension under section 1521 of this title; or

(3) the veteran's attributable income is not greater than the amount set forth in subsection (b).

(b)(1) For purposes of subsection (a)(3), the income threshold for the calendar year beginning on January 1, 1990, is—

(A) \$17,240 in the case of a veteran with no dependents; and

(B) \$20,688 in the case of a veteran with one dependent, plus \$1,150 for each additional dependent.

(2) For a calendar year beginning after December 31, 1990, the amounts in effect for purposes of this subsection shall be the amounts in effect for the preceding calendar year as adjusted under subsection (c) of this section.

(c) Effective on January 1 of each year, the amounts in effect under subsection (b) of this section shall be increased by the percentage by which the maximum rates of pension were increased under section 5312(a) of this title during the preceding calendar year.

(d)(1) Notwithstanding the attributable income of a veteran, the Secretary may refuse to make a determination described in paragraph (2) of this subsection if the corpus of the estate of the veteran is such that under all the circumstances it is reasonable that some part of the corpus of the estate of the veteran be consumed for the veteran's maintenance.

(2) A determination described in this paragraph is a determination that for purposes of subsection (a)(3) of this section a veteran's attributable income is not greater than the amount determined under subsection (b) of this section.

(3) For the purposes of paragraph (1) of this subsection, the corpus of the estate of a veteran shall be determined in the same manner as the manner in which determinations are made of the corpus of the estates of persons under section 1522 of this title.

(e)(1) In order to avoid a hardship to a veteran described in paragraph (2) of this subsection, the Secretary may deem the veteran to have an attributable income during the previous year not greater than the amount determined under subsection (b) of this section.

(2) A veteran is described in this paragraph for the purposes of subsection (a) of this section if—

(A) the veteran has an attributable income greater than the amount determined under subsection (b) of this section; and

(B) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below the amount determined under subsection (b).

(f) For purposes of this section:

(1) The term "attributable income" means the income of a veteran for the previous year determined in the same manner as the manner in which a determination is made of the total amount of income by which the rate of pension for such veteran under section 1521 of this title would be reduced if such veteran were eligible for pension under that section.

(2) The term "corpus of the estate of the veteran" includes the corpus of the estates of the veteran's spouse and dependent children, if any.

(3) The term "previous year" means the calendar year preceding the year in which the veteran applies for care or services under section 1710(a) or 1712(f) of this title.

(g) For the purposes of section 1724(c) of this title, the fact that a veteran is—

(1) eligible to receive medical assistance under a State plan approved under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(2) a veteran with a service-connected disability; or

(3) in receipt of pension under any law administered by the Secretary,

shall be accepted as sufficient evidence of such veteran's inability to defray necessary expenses.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144, §622; Pub. L. 89-612, §1, Sept. 30, 1966, 80 Stat. 859; Pub. L. 91-500, §1, Oct. 22, 1970, 84 Stat. 1096; Pub. L. 94-581, title II, §§202(k), 210(a)(9), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 96-330, title IV, §401(a), Aug. 26, 1980, 94 Stat. 1051; Pub. L. 99-272, title XIX, §19011(c)(1), Apr. 7, 1986, 100 Stat. 376; Pub. L. 100-322, title I, §102(b), May 20, 1988, 102 Stat. 493; Pub. L. 101-508, title VIII, §8013(c), Nov. 5, 1990, 104 Stat. 1388-346; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1722 and amended Pub. L. 102-83, §§4(a)(1), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403-406.)

AMENDMENT OF SECTION

For termination of amendment by section 8013(e) of Pub. L. 101-508, see Effective and Termination Dates of 1990 Amendment note below.

REFERENCES IN TEXT

The Social Security Act, referred to in subsecs. (a)(1) and (g)(1), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Social Security Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

PRIOR PROVISIONS

Prior section 1722, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, related to change of program by eligible person, prior to repeal by Pub. L. 92-540, title IV, §402(2), Oct. 24, 1972, 86 Stat. 1090. See section 3691 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 622 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "1710(a)(1)(I)" for "610(a)(1)(I)" in introductory provisions and "1521" for "521" in par. (2).

Subsec. (c). Pub. L. 102-40 substituted "5312(a)" for "3112(a)".

Subsec. (d)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (d)(3). Pub. L. 102-83, §5(c)(1), substituted "1522" for "522".

Subsec. (e)(1). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (f). Pub. L. 102-83, §5(c)(1), substituted "1521" for "521" in par. (1) and "1710(a) or 1712(f)" for "610(a) or 612(f)" in par. (3).

Subsec. (g). Pub. L. 102-83, §5(c)(1), substituted "1724(c)" for "624(c)" in introductory provisions.

Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration" in par. (3).

1990—Subsec. (a). Pub. L. 101-508, §8013(c)(1), (e), temporarily designated par. (1) as entire subsec. (a), reded-

ignated cls. (A) to (C) as pars. (1) to (3), respectively, substituted "amount set forth in subsection (b)" for "Category A threshold" in par. (3), and struck out former par. (2) which read as follows: "For the purposes of section 610(a)(2)(A) of this title, a veteran's income level is described in this paragraph if the veteran's attributable income is not greater than the Category B threshold." See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (b). Pub. L. 101-508, § 8013(c)(2), (e), temporarily amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "For the purposes of this section:

"(1) The Category A threshold—

"(A) for the calendar year beginning on January 1, 1986, is—

"(i) \$15,000 in the case of a veteran with no dependents; and

"(ii) \$18,000 in the case of a veteran with one dependent, plus \$1,000 for each additional dependent; and

"(B) for a calendar year beginning after December 31, 1986, is the amount in effect for purposes of this paragraph for the preceding calendar year as adjusted under subsection (c) of this subsection.

"(2) The Category B threshold—

"(A) for the calendar year beginning on January 1, 1986, is—

"(i) \$20,000 in the case of a veteran with no dependents; and

"(ii) \$25,000 in the case of a veteran with one dependent, plus \$1,000 for each additional dependent; and

"(B) for a calendar year beginning after December 31, 1986, is the amount in effect for purposes of this paragraph for the preceding calendar year as adjusted under subsection (c) of this subsection."

See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (c). Pub. L. 101-508, § 8013(c)(3), (e), temporarily struck out "paragraphs (1) and (2) of" before "subsection (b) of this section". See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (d)(2). Pub. L. 101-508, § 8013(c)(4), (e), temporarily amended par. (2) generally. Prior to amendment, par. (2) read as follows: "A determination described in this paragraph is a determination—

"(A) that for the purposes of subsection (a)(1)(C) of this section a veteran's attributable income is not greater than the Category A threshold; or

"(B) that for the purposes of subsection (a)(2) of this section a veteran's attributable income is not greater than the Category B threshold."

See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (e)(1). Pub. L. 101-508, § 8013(c)(5)(A), (e), temporarily substituted "the amount determined under subsection (b) of this section" for "the Category A threshold or the Category B threshold, as appropriate". See Effective and Termination Dates of 1990 Amendment note below.

Subsec. (e)(2). Pub. L. 101-508, § 8013(c)(5)(B), (e), temporarily added par. (2) and struck out former par. (2) which read as follows:

"(A) A veteran is described in this paragraph for the purposes of subsection (a)(1) of this section if—

"(i) the veteran has an attributable income greater than the Category A threshold; and

"(ii) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below such threshold.

"(B) A veteran is described in this paragraph for the purposes of subsection (a)(2) of this section if—

"(i) the veteran has an attributable income greater than the Category B threshold; and

"(ii) the current projections of such veteran's income for the current year are that the veteran's income for such year will be substantially below such threshold."

See Effective and Termination Dates of 1990 Amendment note below.

1988—Subsec. (g). Pub. L. 100-322 substituted "section" for "sections 610(b)(2) and".

1986—Pub. L. 99-272 amended section generally, revising and restating existing provisions as subsec. (g) and adding subsecs. (a) to (f).

1980—Pub. L. 96-330 substituted provisions relating to the facts that will be accepted as sufficient evidence of an individual's inability to defray necessary expenses for provisions relating to the use of statements under oath to establish the inability to defray necessary expenses.

1976—Subsec. (a). Pub. L. 94-581, § 202(k), substituted "610(a)(1)(B)" for "610(a)(1)" and "632(a)(2)" for "632(b)".

Subsec. (b). Pub. L. 94-581, § 210(a)(9), substituted "such veteran's inability" for "his inability".

1970—Pub. L. 91-500 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89-612 inserted reference to section 632(b) of this title.

EFFECTIVE AND TERMINATION DATES OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 to remain in effect through the period covered by Pub. L. 102-145, see section 111 of Pub. L. 102-145, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101-508 to remain in effect through the period covered by Pub. L. 102-109, see section 111 of Pub. L. 102-109, set out as a note under section 1710 of this title.

Amendment by Pub. L. 101-508 applicable with respect to hospital care and medical services received after Nov. 5, 1990, and expires Sept. 30, 1998, see section 8013(d) and (e) of Pub. L. 101-508, as amended, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Provisions of this section as in effect on the day before Apr. 7, 1986, applicable with respect to hospital and nursing home care furnished on or after July 1, 1986, to veterans furnished such care or services on June 30, 1986, but only to the extent that such care is furnished with respect to the same episode of care for which it was furnished on June 30, 1986, see section 19011(f) of Pub. L. 99-272, set out as a note under section 1710 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

INITIAL INCREASE UNDER SUBSECTION (c)

Section 19011(c)(3) of Pub. L. 99-272 provided that the first increase under subsection (c) of this section, as added by section 19011(c)(1) of Pub. L. 99-272, was to take effect on Jan. 1, 1987."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1710, 1712 of this title.

§ 1722A. Copayment for medications

(a)(1) Subject to paragraph (2), the Secretary shall require a veteran to pay the United States \$2 for each 30-day supply of medication furnished such veteran under this chapter on an outpatient basis for the treatment of a non-service-connected disability or condition. If the amount supplied is less than a 30-day supply, the amount of the charge may not be reduced.

(2) The Secretary may not require a veteran to pay an amount in excess of the cost to the Secretary for medication described in paragraph (1).

(3) Paragraph (1) does not apply—

(A) to a veteran with a service-connected disability rated 50 percent or more; or

(B) to a veteran whose annual income (as determined under section 1503 of this title) does not exceed the maximum annual rate of pension which would be payable to such veteran if such veteran were eligible for pension under section 1521 of this title.

(b) Amounts collected under this section shall be deposited in the Department of Veterans Affairs Medical-Care Cost Recovery Fund.

(c) The provisions of subsection (a) expire on September 30, 1998.

(Added Pub. L. 101-508, title VIII, §8012(a)(1), Nov. 5, 1990, 104 Stat. 1388-345, §622A; renumbered §1722A, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 102-139, title V, §518(a), Oct. 28, 1991, 105 Stat. 779; Pub. L. 102-229, title I, Dec. 12, 1991, 105 Stat. 1709; Pub. L. 102-568, title VI, §§605(a), 606(a), Oct. 29, 1992, 106 Stat. 4343; Pub. L. 103-66, title XII, §12002(b), Aug. 10, 1993, 107 Stat. 414; Pub. L. 103-446, title XII, §1201(e)(7), Nov. 2, 1994, 108 Stat. 4685.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-446 substituted “veteran to pay” for “veteran to pay”.

1993—Subsec. (c). Pub. L. 103-66 substituted “1998” for “1992” in first sentence and struck out at end “Notwithstanding the preceding sentence, the provisions of subsection (a) shall be in effect through September 30, 1997.”

1992—Subsec. (a)(1). Pub. L. 102-568, §605(a)(1), struck out “(other than a veteran with a service-connected disability rated 50 percent or more)” after “require a veteran”.

Subsec. (a)(3). Pub. L. 102-568, §605(a)(2), added par. (3).

Subsec. (c). Pub. L. 102-568, §606(a), inserted at end “Notwithstanding the preceding sentence, the provisions of subsection (a) shall be in effect through September 30, 1997.”

1991—Pub. L. 102-83 renumbered section 622A of this title as this section.

Subsec. (c). Pub. L. 102-139, as amended by Pub. L. 102-229, substituted “September 30, 1992” for “September 30, 1991”.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 605(b) of Pub. L. 102-568 provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to medication furnished after the date of the enactment of this Act [Oct. 29, 1992].”

EFFECTIVE AND TERMINATION DATES

Section to remain in effect through the period covered by Pub. L. 102-145, see section 111 of Pub. L. 102-145, set out as an Effective and Termination Dates of 1990 Amendment note under section 1710 of this title.

Section to remain in effect through the period covered by Pub. L. 102-109, see section 111 of Pub. L. 102-109, set out as an Effective and Termination Dates of 1990 Amendment note under section 1710 of this title.

Section 8012(b) of Pub. L. 101-508 provided that: “The amendments made by subsection (a) [enacting this section] shall take effect with respect to medication furnished to a veteran after October 31, 1990, or the date of the enactment of this Act [Nov. 5, 1990], whichever is later.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1729 of this title.

§ 1723. Furnishing of clothing

The Secretary shall not furnish clothing to persons who are in Department facilities, except (1) where the furnishing of such clothing to indigent persons is necessary to protect health or sanitation, and (2) where the Secretary furnishes veterans with special clothing made necessary by the wearing of prosthetic appliances.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144, §623; Pub. L. 94-581, title II, §210(a)(10), Oct. 21, 1976, 90 Stat. 2863; renumbered §1723 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1723 was renumbered section 3523 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 623 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

1976—Pub. L. 94-581 substituted “the Administrator furnishes” for “he furnishes”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 1724. Hospital care, medical services, and nursing home care abroad

(a) Except as provided in subsections (b) and (c), the Secretary shall not furnish hospital or domiciliary care or medical services outside any State.

(b)(1) The Secretary may furnish hospital care and medical services outside a State to a veteran who is otherwise eligible to receive hospital care and medical services if the Secretary determines that such care and services are needed for the treatment of a service-connected disability of the veteran or as part of a rehabilitation program under chapter 31 of this title.

(2) Care and services for a service-connected disability of a veteran who is not a citizen of the United States may be furnished under this subsection only—

(A) if the veteran is in the Republic of the Philippines or in Canada; or

(B) if the Secretary determines, as a matter of discretion and pursuant to regulations which the Secretary shall prescribe, that it is appropriate and feasible to furnish such care and services.

(c) Within the limits of those facilities of the Veterans Memorial Medical Center at Manila, Republic of the Philippines, for which the Secretary may contract, the Secretary may furnish necessary hospital care to a veteran for any non-service-connected disability if such veteran is unable to defray the expenses of necessary hospital care. The Secretary may enter into contracts to carry out this section.

(d) The Secretary may furnish nursing home care, on the same terms and conditions set forth in section 1720(a) of this title, to any veteran who has been furnished hospital care in the

Philippines pursuant to this section, but who requires a protracted period of nursing home care. (Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144, §624; Pub. L. 86-152, Aug. 11, 1959, 73 Stat. 332; Pub. L. 86-624, §25(a), July 12, 1960, 74 Stat. 418; Pub. L. 87-815, §4, Oct. 15, 1962, 76 Stat. 927; Pub. L. 93-82, title I, §108, Aug. 2, 1973, 87 Stat. 186; Pub. L. 94-581, title II, §§202(l), 210(a)(11), Oct. 21, 1976, 90 Stat. 2856, 2863; Pub. L. 95-520, §3(a), Oct. 26, 1978, 92 Stat. 1820; Pub. L. 97-72, title I, §107(a), Nov. 3, 1981, 95 Stat. 1051; Pub. L. 97-295, §4(20), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 100-322, title I, §105, May 20, 1988, 102 Stat. 493; renumbered §1724 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1724 was renumbered section 3524 of this title.

Prior section 1725, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197, related to period of operation for approval by Administrator, prior to repeal by Pub. L. 92-540, title IV, §402(2), Oct. 24, 1972, 86 Stat. 1090. See section 3689 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 624 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted "1720(a)" for "620(a)".

1988—Subsec. (b). Pub. L. 100-322 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Administrator may furnish necessary hospital care and medical services to any otherwise eligible veteran for any service-connected disability if the veteran (1) is a citizen of the United States sojourning or residing abroad, or (2) is in the Republic of the Philippines."

1982—Pub. L. 97-295 substituted "Hospital care, medical services, and nursing home care abroad" for "Hospital care and medical services abroad" in section catchline, without regard to a prior amendment by Pub. L. 93-82, which had substituted "Hospital care, medical services and nursing home care abroad" for "Hospital care and medical services abroad". See 1973 Amendment note below.

1981—Subsec. (d). Pub. L. 97-72 struck out "and at the same rate as specified in section 632(a)(4) of this title" after "on the same terms and conditions set forth in section 620(a) of this title".

1978—Subsec. (c). Pub. L. 95-520 substituted "Veterans Memorial Medical Center" for "Veterans Memorial Hospital".

1976—Subsec. (c). Pub. L. 94-581 substituted "the Administrator may furnish" for "he may furnish" and "hospital care to a veteran for any" for "hospital care to a veteran of any war for any".

1973—Pub. L. 93-82, §108(b), substituted "Hospital care, medical services and nursing home care abroad" for "Hospital care and medical services abroad" in section catchline.

Subsec. (d). Pub. L. 93-82, §108(a), added subsec. (d).

1962—Subsec. (b). Pub. L. 87-815 struck out "temporarily" before "sojourning".

1960—Subsec. (a). Pub. L. 86-624 substituted "outside any State" for "outside the continental limits of the United States, or a Territory, Commonwealth, or possession of the United States".

1959—Subsec. (b). Pub. L. 86-152 extended authority to provide hospital and medical care for veterans who are United States citizens temporarily residing abroad to include those with peacetime service-incurred disabilities.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1703, 1722, 1732 of this title.

[§ 1725. Vacant]

CODIFICATION

Prior to renumbering of sections 601 to 664 of this chapter as sections 1701 to 1764 by Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406, section 625 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144; Pub. L. 91-24, §6(a), June 11, 1969, 83 Stat. 34, which related to arrests for crimes in hospital and domiciliary reservations, was repealed by Pub. L. 93-43, §§4(b), 10(a), June 18, 1973, 87 Stat. 79, 88, effective June 18, 1973.

§ 1726. Reimbursement for loss of personal effects by natural disaster

The Secretary shall, under regulations which the Secretary shall prescribe, reimburse veterans in Department hospitals and domiciliaries for any loss of personal effects sustained by fire, earthquake, or other natural disaster while such effects were stored in designated locations in Department hospitals or domiciliaries.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144, §627; Pub. L. 93-82, title I, §105, Aug. 2, 1973, 87 Stat. 183; Pub. L. 94-581, title II, §210(a)(12), Oct. 21, 1976, 90 Stat. 2863; renumbered §1726 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1726, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197, provided for control by agencies of United States, prior to repeal by Pub. L. 89-358, §3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3689 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 626 of this title as this section.

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in two places.

1976—Pub. L. 94-581 substituted "the Administrator shall prescribe" for "he shall prescribe".

1973—Pub. L. 93-82 substituted "natural disaster" for "fire" in section catchline and extended reimbursement provisions to earthquake and other natural disasters also.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Jan. 1, 1971, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

§ 1727. Persons eligible under prior law

Persons who have a status which would, under the laws in effect on December 31, 1957, entitle

them to the medical services, hospital and domiciliary care, and other benefits, provided for in this chapter, but who do not meet the service requirements contained in this chapter, shall be entitled to such benefits notwithstanding failure to meet such service requirements.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1144, § 627; Pub. L. 94-581, title II, § 202(m), Oct. 21, 1976, 90 Stat. 2856; renumbered § 1727 Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 627 of this title as this section.

1976—Pub. L. 94-581 substituted “1957” for “1958”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 1728. Reimbursement of certain medical expenses

(a) The Secretary may, under such regulations as the Secretary shall prescribe, reimburse veterans entitled to hospital care or medical services under this chapter for the reasonable value of such care or services (including travel and incidental expenses under the terms and conditions set forth in section 111 of this title), for which such veterans have made payment, from sources other than the Department, where—

(1) such care or services were rendered in a medical emergency of such nature that delay would have been hazardous to life or health;

(2) such care or services were rendered to a veteran in need thereof (A) for an adjudicated service-connected disability, (B) for a non-service-connected disability associated with and held to be aggravating a service-connected disability, (C) for any disability of a veteran who has a total disability permanent in nature from a service-connected disability, or (D) for any illness, injury, or dental condition in the case of a veteran who (i) is a participant in a vocational rehabilitation program (as defined in section 3101(9) of this title), and (ii) is medically determined to have been in need of care or treatment to make possible such veteran's entrance into a course of training, or prevent interruption of a course of training, or hasten the return to a course of training which was interrupted because of such illness, injury, or dental condition; and

(3) Department or other Federal facilities were not feasibly available, and an attempt to use them beforehand would not have been reasonable, sound, wise, or practical.

(b) In any case where reimbursement would be in order under subsection (a) of this section, the Secretary may, in lieu of reimbursing such veteran, make payment of the reasonable value of care or services directly—

(1) to the hospital or other health facility furnishing the care or services; or

(2) to the person or organization making such expenditure on behalf of such veteran.

(Added Pub. L. 93-82, title I, § 106(a), Aug. 2, 1973, 87 Stat. 183, § 628; amended Pub. L. 94-581, title II, §§ 202(n), 210(a)(13), Oct. 21, 1976, 90 Stat. 2856,

2863; Pub. L. 96-151, title II, § 201(d), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 101-237, title II, § 202(a), Dec. 18, 1989, 103 Stat. 2066; Pub. L. 102-54, § 14(b)(14), June 13, 1991, 105 Stat. 284; renumbered § 1728 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 628 of this title as this section.

Subsec. (a). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places in introductory provisions.

Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans Administration” in introductory provisions and in par. (3).

Subsec. (a)(2)(D). Pub. L. 102-83, § 5(c)(1), substituted “3101(9)” for “1501(9)”.

Pub. L. 102-54 substituted “(i) is” for “is (i)”.

Subsec. (b). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in introductory provisions.

1989—Subsec. (a)(2)(D). Pub. L. 101-237 substituted “(i) a participant in a vocational rehabilitation program (as defined in section 1501(9) of this title), and (ii)” for “found to be (i) in need of vocational rehabilitation under chapter 31 of this title and for whom an objective had been selected or (ii) pursuing a course of vocational rehabilitation training and”.

1979—Subsec. (a). Pub. L. 96-151 substituted provisions relating to travel and incidental expenses for provisions relating to necessary travel.

1976—Subsec. (a). Pub. L. 94-581 substituted “as the Administrator shall prescribe” for “as he shall prescribe” in provisions preceding par. (1), substituted “delay” for “they” in par. (1), and substituted “make possible such veteran's entrance” for “make possible his entrance” in par. (2)(D)(ii).

EFFECTIVE DATE OF 1989 AMENDMENT

Section 202(b) of Pub. L. 101-237 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to hospital care and medical services received on or after the date of the enactment of this Act [Dec. 18, 1989].”

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-151 effective Jan. 1, 1980, see section 206 of Pub. L. 96-151, set out as a note under section 111 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1971, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1729. Recovery by the United States of the cost of certain care and services

(a)(1) Subject to the provisions of this section, in any case in which a veteran is furnished care or services under this chapter for a non-service-connected disability described in paragraph (2) of this subsection, the United States has the right to recover or collect the reasonable cost of such care or services (as determined by the Secretary) from a third party to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services from such third party if the care or services had not been furnished by a department or agency of the United States.

(2) Paragraph (1) of this subsection applies to a non-service-connected disability—

(A) that is incurred incident to the veteran's employment and that is covered under a workers' compensation law or plan that provides for payment for the cost of health care and services provided to the veteran by reason of the disability;

(B) that is incurred as the result of a motor vehicle accident to which applies a State law that requires the owners or operators of motor vehicles registered in that State to have in force automobile accident reparations insurance;

(C) that is incurred as the result of a crime of personal violence that occurred in a State, or a political subdivision of a State, in which a person injured as the result of such a crime is entitled to receive health care and services at such State's or subdivision's expense for personal injuries suffered as the result of such crime;

(D) that is incurred by a veteran—

(i) who does not have a service-connected disability; and

(ii) who is entitled to care (or payment of the expenses of care) under a health-plan contract; or

(E) for which care and services are furnished before October 1, 1998, under this chapter to a veteran who—

(i) has a service-connected disability; and

(ii) is entitled to care (or payment of the expenses of care) under a health-plan contract.

(3) In the case of a health-plan contract that contains a requirement for payment of a deductible or copayment by the veteran—

(A) the veteran's not having paid such deductible or copayment with respect to care or services furnished under this chapter shall not preclude recovery or collection under this section; and

(B) the amount that the United States may collect or recover under this section shall be reduced by the appropriate deductible or copayment amount, or both.

(b)(1) As to the right provided in subsection (a) of this section, the United States shall be subrogated to any right or claim that the veteran (or the veteran's personal representative, successor, dependents, or survivors) may have against a third party.

(2)(A) In order to enforce any right or claim to which the United States is subrogated under paragraph (1) of this subsection, the United States may intervene or join in any action or proceeding brought by the veteran (or the veteran's personal representative, successor, dependents, or survivors) against a third party.

(B) The United States may institute and prosecute legal proceedings against the third party if—

(i) an action or proceeding described in subparagraph (A) of this paragraph is not begun within 180 days after the first day on which care or services for which recovery is sought are furnished to the veteran by the Secretary under this chapter;

(ii) the United States has sent written notice by certified mail to the veteran at the veter-

an's last-known address (or to the veteran's personal representative or successor) of the intention of the United States to institute such legal proceedings; and

(iii) a period of 60 days has passed following the mailing of such notice.

(C) A proceeding under subparagraph (B) of this paragraph may not be brought after the end of the six-year period beginning on the last day on which the care or services for which recovery is sought are furnished.

(c)(1) The Secretary may compromise, settle, or waive any claim which the United States has under this section.

(2)(A) The Secretary, after consultation with the Comptroller General of the United States, shall prescribe regulations for the purpose of determining the reasonable cost of care or services under subsection (a)(1) of this section. Any determination of such cost shall be made in accordance with such regulations.

(B) Such regulations shall provide that the reasonable cost of care or services sought to be recovered or collected from a third-party liable under a health-plan contract may not exceed the amount that such third party demonstrates to the satisfaction of the Secretary it would pay for the care or services if provided by facilities (other than facilities of departments or agencies of the United States) in the same geographic area.

(C) Not later than 45 days after the date on which the Secretary prescribes such regulations (or any amendment to such regulations), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the Comptroller General's comments on and recommendations regarding such regulations (or amendment).

(d) Any contract or agreement into which the Secretary enters with a person under section 3718 of title 31 for collection services to recover indebtedness owed the United States under this section shall provide, with respect to such services, that such person is subject to sections 5701 and 7332 of this title.

(e) A veteran eligible for care or services under this chapter—

(1) may not be denied such care or services by reason of this section; and

(2) may not be required by reason of this section to make any copayment or deductible payment in order to receive such care.

(f) No law of any State or of any political subdivision of a State, and no provision of any contract or other agreement, shall operate to prevent recovery or collection by the United States under this section or with respect to care or services furnished under section 1711(b) of this title.

(g)(1) There is established in the Treasury a fund to be known as the Department of Veterans Affairs Medical-Care Cost Recovery Fund (hereafter referred to in this section as the "Fund").

(2) Amounts recovered or collected under this section shall be deposited in the Fund.

(3) Sums in the Fund shall be available to the Secretary for the following:

(A) Payment of necessary expenses for the identification, billing, and collection of the

cost of care and services furnished under this chapter, and for the administration and collection of payments required under section 1710(f) of this title for hospital care or nursing home care, under section 1712(f) of this title for medical services, and under section 1722A of this title for medications, including—

- (i) the costs of computer hardware and software, word processing and telecommunications equipment, other equipment, supplies, and furniture;
- (ii) personnel training and travel costs;
- (iii) personnel and administrative costs for attorneys in the Office of General Counsel of the Department and for support personnel of such office;
- (iv) other personnel and administrative costs; and
- (v) the costs of any contract for identification, billing, or collection services.

(B) Payment of the Secretary for reasonable charges, as determined by the Secretary, imposed for (i) services and utilities (including light, water, and heat) furnished by the Secretary, (ii) recovery and collection activities under this section, and (iii) administration of the Fund.

(4) Not later than January 1 of each year, there shall be deposited into the Treasury as miscellaneous receipts an amount equal to the amount of the unobligated balance remaining in the Fund at the close of business on September 30 of the preceding year minus any part of such balance that the Secretary determines is necessary in order to enable the Secretary to defray, during the fiscal year in which the deposit is made, the expenses, payments, and costs described in paragraph (3).

(h)(1) Subject to paragraph (3) of this subsection, the Secretary shall make available medical records of a veteran described in paragraph (2) of this subsection for inspection and review by representatives of the third party concerned for the sole purposes of permitting the third party to verify—

(A) that the care or services for which recovery or collection is sought were furnished to the veteran; and

(B) that the provision of such care or services to the veteran meets criteria generally applicable under the health-plan contract involved.

(2) A veteran described in this paragraph is a veteran who is a beneficiary of a health-plan contract under which recovery or collection is sought under this section from the third party concerned for the cost of the care or services furnished to the veteran.

(3) Records shall be made available under this subsection under such conditions to protect the confidentiality of such records as the Secretary shall prescribe in regulations.

(i) For purposes of this section—

(1)(A) The term “health-plan contract” means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement, under which health services for individuals are provided or the expenses of such services are paid.

(B) Such term does not include—

(i) an insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of such Act (42 U.S.C. 1395j);

(ii) a State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.);

(iii) a workers' compensation law or plan described in subparagraph (A) of subsection (a)(2) of this section; or

(iv) a program, plan, or policy under a law described in subparagraph (B) or (C) of such subsection.

(2) The term “payment” includes reimbursement and indemnification.

(3) The term “third party” means—

(A) a State or political subdivision of a State;

(B) an employer or an employer's insurance carrier;

(C) an automobile accident reparations insurance carrier; or

(D) a person obligated to provide, or to pay the expenses of, health services under a health-plan contract.

(Added Pub. L. 97-72, title I, §106(a)(1), Nov. 3, 1981, 95 Stat. 1050, §629; amended Pub. L. 99-272, title XIX, §19013(a), Apr. 7, 1986, 100 Stat. 382; Pub. L. 100-322, title II, §202, May 20, 1988, 102 Stat. 509; Pub. L. 101-508, title VIII, §8011(a)-(c), Nov. 5, 1990, 104 Stat. 1388-344; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §1729 and amended Pub. L. 102-83, §§4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-568, title VI, §604, Oct. 29, 1992, 106 Stat. 4343; Pub. L. 103-66, title XII, §12003, Aug. 10, 1993, 107 Stat. 414.)

REFERENCES IN TEXT

The Social Security Act, referred to in subsec. (i)(1)(B)(ii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Title XIX of the Social Security Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

1993—Subsec. (a)(2)(E). Pub. L. 103-66 substituted “October 1, 1998” for “August 1, 1994”.

1992—Subsec. (a)(2)(E). Pub. L. 102-568 substituted “August 1, 1994” for “October 1, 1993”.

1991—Pub. L. 102-83, §5(a), renumbered section 629 of this title as this section.

Subsecs. (a) to (c). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (d). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

Pub. L. 102-40 substituted “5701” for “3301” and “7332” for “4132”.

Subsec. (f). Pub. L. 102-83, §5(c)(1), substituted “1711(b)” for “611(b)”.

Subsec. (g)(3)(A). Pub. L. 102-83, §5(c)(1), substituted “1710(f)” for “610(f)”, “1712(f)” for “612(f)”, and “1722A” for “622A” in introductory provisions.

Subsec. (h)(1), (3). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1990—Subsec. (a)(2)(E). Pub. L. 101-508, §8011(a), added subpar. (E).

Subsec. (c)(2)(B). Pub. L. 101-508, §8011(b), substituted “if provided by” for “in accordance with the prevailing rates at which the third party makes payments under comparable health-plan contracts with”.

Subsec. (g). Pub. L. 101-508, §8011(c), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: "Amounts collected or recovered on behalf of the United States under this section shall be deposited into the Treasury as miscellaneous receipts."

1988—Subsec. (b)(2)(C). Pub. L. 100-322 added subpar. (C).

1986—Pub. L. 99-272 amended section generally, inserting authority to recover from a third party under a health-plan contract the reasonable costs of a non-service-connected disability, to require the Administrator to prescribe regulations to govern determination of reasonable costs, to authorize the compromise, settlement or waiver of claims, and to provide for the deposit of money collected under this section in the Treasury.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8011(e) of Pub. L. 101-508 provided that: "The amendments made by this section [amending this section] shall take effect as of October 1, 1990."

EFFECTIVE DATE OF 1986 AMENDMENT

Section 19013(b) of Pub. L. 99-272 provided that:

"(1) Except as provided in paragraph (2), section 629 [now 1729] of title 38, United States Code, as amended by subsection (a), shall apply to care and services provided on or after the date of the enactment of this Act [Apr. 7, 1986].

"(2)(A) Such section shall not apply so as to nullify any provision of a health-plan contract (as defined in subsection (i) of such section) that—

"(i) was entered into before the date of the enactment of this Act; and

"(ii) is not modified or renewed on or after such date.

"(B) In the case of a health-plan contract (as so defined) that was entered into before such date and which is modified or renewed on or after such date, the amendment made by subsection (a) [amending this section] shall apply—

"(i) with respect to such plan as of the day after the date that it is so modified or renewed; and

"(ii) with respect to care and services provided after such date of modification or renewal.

"(3) For purposes of paragraph (2), the term 'modified' includes any change in premium or coverage."

EFFECTIVE DATE

Section 106(b) of Pub. L. 97-72 provided that: "Section 629 [now 1729] of title 38, United States Code, as added by subsection (a), shall apply with respect to care and services furnished under chapter 17 of title 38, United States Code, on or after the date of the enactment of this Act [Nov. 3, 1981]."

TRANSFERS TO MEDICAL-CARE COST RECOVERY FUND

Section 8011(d) of Pub. L. 101-508, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that:

"(1) AMOUNT TO BE TRANSFERRED.—The Secretary of the Treasury shall transfer \$25,000,000 from the Department of Veterans Affairs Loan Guaranty Revolving Fund to the Department of Veterans Affairs Medical-Care Cost Recovery Fund established by section 1729(g) [formerly 629(g)] of title 38, United States Code (as amended by subsection (c)). The amount so transferred shall be available until the end of September 30, 1991, for the support of the equivalent of 800 full-time employees and other expenses described in paragraph (3) of such section.

"(2) REIMBURSEMENT OF LOAN GUARANTY REVOLVING FUND.—Notwithstanding section 1729(g) [formerly 629(g)] of title 38, United States Code (as amended by subsection (c)), the first \$25,000,000 recovered or collected by the Department of Veterans Affairs during fiscal year 1991 as a result of third-party medical recovery activities shall be credited to the Department of Veterans Affairs Loan Guaranty Revolving Fund.

"(3) THIRD-PARTY MEDICAL RECOVERY ACTIVITIES DEFINED.—For the purposes of this subsection, the term

'third-party medical recovery activities' means recovery and collection activities carried out under section 1729 [formerly 629] of title 38, United States Code."

REPORTS ON IMPLEMENTATION OF 1986 AMENDMENT

Section 19013(c) of Pub. L. 99-272 directed Administrator of Veterans' Affairs, not later than six months after Apr. 7, 1986, to submit to Committees on Veterans' Affairs of Senate and House of Representatives a report on the process for and results of implementation of this section, as amended by subsection (a), such report to show costs of administration (and a detailed breakdown of such costs) and the amount of receipts and collections under this section, and not later than Feb. 1, 1988, to submit to such Committees a report updating the information in the report previously submitted and providing information on the process and results of such implementation through at least the end of fiscal year 1987.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 712 of this title.

§ 1730. Community residential care

(a) Subject to this section and regulations to be prescribed by the Secretary under this section, the Secretary may assist a veteran by referring such veteran for placement in, and aiding such veteran in obtaining placement in, a community residential-care facility if—

(1) at the time of initiating the assistance the Secretary—

(A) is furnishing the veteran medical services on an outpatient basis or hospital, domiciliary, or nursing home care; or

(B) has furnished the veteran such care or services within the preceding 12 months; and

(2) placement of the veteran in a community residential-care facility is appropriate.

(b)(1) The Secretary may not provide assistance under subsection (a) of this section with respect to a community residential-care facility unless such facility is approved by the Secretary for the purposes of this section.

(2) The Secretary's approval of a facility for the purposes of this section shall be based upon the Secretary's determination, after inspection of the facility, that the facility meets the standards established in regulations prescribed under this section. Such standards shall include the following:

(A) Health and safety criteria, including a requirement of compliance with applicable State laws and local ordinances relating to health and safety.

(B) A requirement that the costs charged for care by a facility be reasonable, as determined by the Secretary, giving consideration to such factors as (i) the level of care, supervision, and other services to be provided, (ii) the cost of goods and services in the geographic area in which the facility is located, and (iii) comparability with other facilities in such area providing similar services.

(C) Criteria for determining the resources that a facility needs in order to provide an appropriate level of services to veterans.

(D) Such other criteria as the Secretary determines are appropriate to protect the welfare of veterans placed in a facility under this section.

(3) Payment of the charges of a community residential-care facility for any care or service

provided to a veteran whom the Secretary has referred to that facility under this section is not the responsibility of the United States or of the Department.

(c)(1) In order to determine continued compliance by community residential-care facilities that have been approved under subsection (b) of this section with the standards established in regulations prescribed under this section, the Secretary shall provide for periodic inspection of such facilities.

(2) If the Secretary determines that a facility is not in compliance with such standards, the Secretary (in accordance with regulations prescribed under this section)—

(A) shall cease to refer veterans to such facility; and

(B) may, with the permission of the veteran (or the person or entity authorized by law to give permission on behalf of the veteran), assist in removing a veteran from such facility.

Regulations prescribed to carry out this paragraph shall provide for reasonable notice and, upon request made on behalf of the facility, a hearing before any action authorized by this paragraph is taken.

(d) The Secretary shall prescribe regulations to carry out this section. Such regulations shall include the standards required by subsection (b) of this section.

(e)(1) To the extent possible, the Secretary shall make available each report of an inspection of a community residential-care facility under subsection (b)(2) or (c)(1) of this section to each Federal, State, and local agency charged with the responsibility of licensing or otherwise regulating or inspecting such facility.

(2) The Secretary shall make the standards prescribed in regulations under subsection (d) of this section available to all Federal, State, and local agencies charged with the responsibility of licensing or otherwise regulating or inspecting community residential-care facilities.

(f) For the purpose of this section, the term "community residential-care facility" means a facility that provides room and board and such limited personal care for and supervision of residents as the Secretary determines, in accordance with regulations prescribed under this section, are necessary for the health, safety, and welfare of residents.

(Added Pub. L. 98-160, title I, §104(a), Nov. 21, 1983, 97 Stat. 996, §630; amended Pub. L. 102-54, §14(b)(15), June 13, 1991, 105 Stat. 284; renumbered §1730 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 630 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 102-54 struck out "(1)" after "(a)" and redesignated former subpar. (A) as par. (1), cls. (i) and (ii) as subpars. (A) and (B), respectively, and former subpar. (B) as par. (2).

Subsec. (b). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing and "Secretary's" for "Administrator's" in two places.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in par. (3).

Subsecs. (c) to (f). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

SUBCHAPTER IV—HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES

AMENDMENTS

1981—Pub. L. 97-72, title I, §107(d)(1), Nov. 3, 1981, 95 Stat. 1053, substituted "HOSPITAL CARE AND MEDICAL TREATMENT FOR VETERANS IN THE REPUBLIC OF THE PHILIPPINES" for "HOSPITAL AND MEDICAL CARE FOR COMMONWEALTH OF THE PHILIPPINES ARMY VETERANS" in subchapter heading.

§ 1731. Assistance to the Republic of the Philippines

The President is authorized to assist the Republic of the Philippines in fulfilling its responsibility in providing medical care and treatment for Commonwealth Army veterans and new Philippine Scouts in need of such care and treatment for service-connected disabilities and non-service-connected disabilities under certain conditions.

(Added Pub. L. 93-82, title I, §107(a), Aug. 2, 1973, 87 Stat. 184, §631; amended Pub. L. 97-72, title I, §107(b), Nov. 3, 1981, 95 Stat. 1052; renumbered §1731, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1731 was renumbered section 3531 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 631 of this title as this section.

1981—Pub. L. 97-72 inserted "in fulfilling its responsibility" after "The President is authorized to assist the Republic of the Philippines".

EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1732. Contracts and grants to provide for the care and treatment of United States veterans by the Veterans Memorial Medical Center

(a) The President, with the concurrence of the Republic of the Philippines, may authorize the Secretary to enter into contracts with the Veterans Memorial Medical Center, with the approval of the appropriate department of the Government of the Republic of the Philippines, covering the period beginning on October 1, 1981, and ending on September 30, 1994, under which the United States—

(1) will provide for payments for hospital care and medical services (including nursing home care) in the Veterans Memorial Medical Center, as authorized by section 1724 of this title and on the terms and conditions set forth in such section, to eligible United States veterans at a per diem rate to be jointly determined for each fiscal year by the two Governments to be fair and reasonable; and

(2) may provide that payments for such hospital care and medical services provided to eli-

gible United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Secretary to the Veterans Memorial Medical Center at valuations therefor as determined by the Secretary, who may furnish such medicines, medical supplies, and equipment through the revolving supply fund pursuant to section 8121 of this title.

(b)(1) To further assure the effective care and treatment of United States veterans in the Veterans Memorial Medical Center, there is authorized to be appropriated for each fiscal year during the period beginning on October 1, 1981, and ending on September 30, 1990, the sum of \$1,000,000 to be used by the Secretary for making grants to the Veterans Memorial Medical Center for the purpose of assisting the Republic of the Philippines in the replacement and upgrading of equipment and in rehabilitating the physical plant and facilities of such center.

(2) Grants under this subsection shall be made on such terms and conditions as prescribed by the Secretary. Such terms and conditions may include a requirement of prior approval by the Secretary of the uses of the funds provided by such grants.

(3) Funds for such grants may be provided only from appropriations made to the Department for the specific purpose of making such grants.

(c) The Secretary may stop payments under a contract or grant under this section upon reasonable notice as stipulated by the contract or grant if the Republic of the Philippines and the Veterans Memorial Medical Center do not maintain the medical center in a well-equipped and effective operating condition as determined by the Secretary.

(d)(1) The authority of the Secretary to enter into contracts and to make grants under this section is effective for any fiscal year only to the extent that appropriations are available for that purpose.

(2) Appropriations made for the purpose of this section shall remain available until expended.

(Added Pub. L. 93-82, title I, § 107(a), Aug. 2, 1973, 87 Stat. 184, § 632; amended Pub. L. 94-581, title II, § 210(a)(14), Oct. 21, 1976, 90 Stat. 2863; Pub. L. 95-520, § 3(b), Oct. 26, 1978, 92 Stat. 1820; Pub. L. 97-72, title I, § 107(c)(1), Nov. 3, 1981, 95 Stat. 1052; Pub. L. 99-576, title II, § 206(a)(1), Oct. 28, 1986, 100 Stat. 3256; Pub. L. 100-687, div. B, title XV, § 1502(a), (b), Nov. 18, 1988, 102 Stat. 4132; Pub. L. 102-40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1732 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-86, title III, § 304(a), Aug. 14, 1991, 105 Stat. 416; Pub. L. 102-585, title V, § 503, Nov. 4, 1992, 106 Stat. 4955.)

PRIOR PROVISIONS

Prior section 1732 was renumbered section 3532 of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-585 substituted “September 30, 1994” for “September 30, 1992”.

1991—Pub. L. 102-83, § 5(a), renumbered section 632 of this title as this section.

Subsec. (a). Pub. L. 102-86 amended subsec. (a) of this section as in effect before the redesignations made by Pub. L. 102-83, § 5, by substituting “1992” for “1990”.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (a)(1). Pub. L. 102-83, § 5(c)(1), substituted “1724” for “624”.

Subsec. (a)(2). Pub. L. 102-40, § 402(d)(1), substituted “8121” for “5021”.

Subsec. (b)(1), (2). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b)(3). Pub. L. 102-83, § 4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

Subsecs. (c), (d)(1). Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

1988—Subsecs. (a), (b)(1). Pub. L. 100-687 substituted “1990” for “1989” in subsec. (a) and substituted “1990” for “1989” and “\$1,000,000” for “\$500,000” in subsec. (b)(1).

1986—Subsecs. (a), (b)(1). Pub. L. 99-576 substituted “September 30, 1989” for “September 30, 1986”.

1981—Pub. L. 97-72 amended section generally, first by substituting Sept. 30, 1986, for Sept. 30, 1981, as the ending date for the period during which the President, with the concurrence of the Republic of the Philippines, may authorize the Administrator to enter into contracts with the Veterans Memorial Medical Center to provide for payments for hospital care and medical services, and by including nursing home care, for eligible United States veterans as authorized by and on the same conditions as set forth in section 624, with such care to consist in whole or in part of available medicines, medical supplies, and equipment furnished through the revolving supply fund, pursuant to section 5021, at valuations determined by the Administrator using available appropriations for payments and with the per diem rate for such care and services to be jointly determined annually by the two Governments as fair and reasonable, second by increasing from \$50,000 to \$500,000 per year the size of grants to replace and upgrade equipment and rehabilitate the Center’s physical plant, third by continuing the Administrator’s authority to stop payments in certain cases, and fourth by limiting the Administrator’s authority to contract for hospital care and to make grants for any fiscal year, to the extent that appropriations are available for that purpose.

1978—Subsec. (a). Pub. L. 95-520, § 3(b)(1), (2), substituted “Veterans Memorial Medical Center” for “Veterans Memorial Hospital” in introductory text and pars. (1), (2), (5), and (7), and in introductory text, substituted “enter into contracts” for “enter into a contract” and “September 30, 1981” for “June 30, 1978”.

Subsec. (b). Pub. L. 95-520, § 3(b)(3), substituted “October 1, 1981” for “July 1, 1978”.

Subsec. (c). Pub. L. 95-520, § 3(b)(1), substituted “Veterans Memorial Medical Center” for “Veterans Memorial Hospital”.

Subsec. (d). Pub. L. 95-520, § 3(b)(1), (4), substituted “Veterans Memorial Medical Center” for “Veterans Memorial Hospital” in three places and “occurring during the period beginning July 1, 1973, and ending September 30, 1981” for “during the five years beginning July 1, 1973, and ending June 30, 1978”.

1976—Subsec. (d). Pub. L. 94-581 substituted “approval by the Administrator” for “approved by him”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EFFECTIVE DATE

Section effective July 1, 1973, see section 501 of Pub. L. 93-82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

SAVINGS PROVISION

Section 107(c) of Pub. L. 93-82 provided that section 107(a) of Pub. L. 93-82, enacting this section and section

631 [now 1731] of this title, did not affect any right, cause, obligation, contract (including the contract executed Apr. 25, 1967, between the Government of the Republic of the Philippines and the Government of the United States resulting from Pub. L. 89-612, which was to remain in effect until modified or superseded by an agreement executed under authority of Pub. L. 93-82), authorization of appropriation, grant, function, power, or duty vested by law or otherwise under this section in effect on the day before Aug. 2, 1973.

RATIFICATION OF ACTIONS OF SECRETARY OF VETERANS AFFAIRS IN CARRYING OUT THIS SECTION

Section 304(b) of Pub. L. 102-86 provided that: "Any actions by the Secretary of Veterans Affairs in carrying out the provisions of section 632 [now 1732] of title 38, United States Code, by contract or otherwise, during the period beginning on October 1, 1990, and ending on the date of the enactment of this Act [Aug. 14, 1991] are hereby ratified."

RATIFICATION OF ACTION OF ADMINISTRATOR IN CONTRACTING

Section 206(a)(2) of Pub. L. 99-576 ratified actions by the Administrator of Veterans' Affairs in contracting under subsec. (a) of this section with respect to the period beginning Oct. 1, 1986, and ending Oct. 28, 1986.

REPORTS ON USE OF FUNDS

Section 206(b) of Pub. L. 99-576 directed Administrator of Veterans' Affairs, not later than Feb. 1, 1987, 1988, and 1989, to submit to Congress a report describing use of funds provided to Republic of the Philippines under subsec. (b) of this section during the preceding fiscal year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1703 of this title.

§ 1733. Supervision of program by the President

The President, or any officer of the United States to whom the President may delegate authority under this section, may from time to time prescribe such rules and regulations and impose such conditions on the receipt of financial aid as may be necessary to carry out this subchapter.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146, § 633; Pub. L. 94-581, title II, § 210(a)(15), Oct. 21, 1976, 90 Stat. 2863; renumbered § 1733, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 1733 was renumbered section 3533 of this title.

Another prior section 1733, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1198, as amended by Pub. L. 91-219, title II, § 206(b), Mar. 26, 1970, 84 Stat. 82; Pub. L. 91-584, § 12, Dec. 24, 1970, 84 Stat. 1577, related to measurement of courses, prior to the general amendment of this section by Pub. L. 92-540, title III, § 313, Oct. 24, 1972, 86 Stat. 1084. See section 3688 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 633 of this title as this section.

1976—Pub. L. 94-581 substituted "the President" for "he" and struck out "his" before "authority".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

EX. ORD. NO. 11762. DELEGATION OF AUTHORITY TO ADMINISTRATOR OF VETERANS' AFFAIRS RELATING TO GRANTS-IN-AID TO REPUBLIC OF THE PHILIPPINES FOR MEDICAL CARE AND TREATMENT OF VETERANS

Ex. Ord. No. 11762, Jan. 17, 1974, 39 F.R. 2347, provided:

By virtue of the authority vested in me by section 633 [now 1733] of title 38 and by section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. (a) Subject to the provisions of subsections (b) and (c) of this section, the Administrator of Veterans' Affairs is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by sections 631, 632, 633, and 634 [now 1731, 1732, 1733, and 1734] of title 38 of the United States Code, as amended by section 107(a) of the Veterans Health Care Expansion Act of 1973 (Public Law 93-82; Stat. 184).

(b) The Secretary of State shall negotiate the agreement, and any modifications thereby with the Republic of the Philippines required by the provisions of sections 631, 632, 633, and 634 [now 1731, 1732, 1733, and 1734] of title 38 of the United States Code.

(c) All rules and regulations prescribed by the Administrator pursuant to the authority delegated to him by this order shall be subject to prior approval by the Director of the Office of Management and Budget.

SEC. 2. Nothing in this order shall be construed as modifying or terminating any other authority heretofore delegated by the President to the Administrator of Veterans' Affairs.

RICHARD NIXON.

§ 1734. Hospital and nursing home care and medical services in the United States

The Secretary, within the limits of Department facilities, may furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts for the treatment of the service-connected disabilities of such veterans and scouts.

(Added Pub. L. 96-22, title I, § 106(a), June 13, 1979, 93 Stat. 53, § 634; renumbered § 1734 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406.)

PRIOR PROVISIONS

Prior section 1734 was renumbered section 3534 of this title.

Another prior section 1734, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199, as amended by Pub. L. 89-358, § 4(m), Mar. 3, 1966, 80 Stat. 25, related to overcharging of eligible persons by educational institutions, prior to the general amendment of this section by Pub. L. 92-540, title III, § 313, Oct. 24, 1972, 86 Stat. 1084. See section 3690 of this title.

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 634 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, § 4(a)(3), (4), substituted "Department" for "Veterans' Administration".

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 107 of Pub. L. 96-22, set out as an Effective Date of 1979 Amendment note under section 1701 of this title.

§ 1735. Definitions

For the purposes of this subchapter—

(1) The term "Commonwealth Army veterans" means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders ap-

pointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable. The term "new Philippine Scouts" means persons who served in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who were discharged or released from such service under conditions other than dishonorable.

(2) The term "service-connected disabilities" means disabilities determined by the Secretary under laws administered by the Secretary to have been incurred in or aggravated by the service described in paragraph (1) in line of duty.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146, §634; Pub. L. 89-612, §3, Sept. 30, 1966, 80 Stat. 861; renumbered §635, Pub. L. 96-22, title I, §106(a), June 13, 1979, 93 Stat. 53; renumbered §1735 and amended Pub. L. 102-83, §§4(a)(1), (b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 403-406.)

REFERENCES IN TEXT

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in par. (1), is section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

PRIOR PROVISIONS

Prior sections 1735 and 1736 were renumbered sections 3535 and 3536 of this title, respectively.

Another prior section 1736, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, §3, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89-358, §4(o), Mar. 3, 1966, 80 Stat. 25, related to discontinuance of the educational assistance allowance by the Administrator, prior to repeal by Pub. L. 92-540, title IV, §402(2), Oct. 24, 1972, 86 Stat. 1090. See section 3690 of this title.

Prior section 1737 was renumbered section 3537 of this title.

Another prior section 1737, added Pub. L. 93-508, title III, §303(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97-35, title XX, §2005(c), Aug. 13, 1981, 95 Stat. 783, related to entitlement of any eligible person, before Oct. 1, 1981, to an education loan, prior to repeal by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

Another prior section 1737 was renumbered section 1736 of this title.

Prior section 1738, added Pub. L. 95-202, title II, §201(b), Nov. 23, 1977, 91 Stat. 1437, related to accelerated payment of educational assistance allowances, prior to repeal by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 635 of this title as this section.

Par. (2). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" before "under".

Pub. L. 102-83, §4(a)(1), substituted "administered by the Secretary" for "administered by the Veterans' Administration".

1966—Par. (1). Pub. L. 89-612 inserted definition of "new Philippine Scouts".

SUBCHAPTER V—PAYMENTS TO STATE HOMES

§ 1741. Criteria for payment

(a) The Secretary shall pay each State at the per diem rate of—

(1) \$8.70 for domiciliary care; and

(2) \$20.35 for nursing home care and hospital care,

for each veteran receiving such care in a State home, if such veteran is eligible for such care in a Department facility.

(b) In no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veterans' care in such State home.

(c) The Secretary shall submit every three years to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the adequacy of the rates provided in subsection (a) of this section in light of projections over each of the following five years of the demand on the Department for the provision of nursing home care to veterans eligible for such care under this section and sections 1710 and 1720 of this title. The first such report shall be submitted not later than June 30, 1986.

(d) Whenever the Secretary makes a determination pursuant to section 1720(a)(2)(A) of this title that the cost of care furnished by the Department in a general hospital under the direct jurisdiction of the Secretary has increased, the Secretary may, effective no earlier than the date of such determination, increase the rates paid under subsection (a) of this section by a percentage not greater than the percentage by which the Secretary has determined that such cost of care has increased.

(e) Subject to section 1743 of this title, the payment of per diem for care furnished in a State home facility shall commence on the date of the completion of the inspection for recognition of the facility under section 1742(a) of this title if the Secretary determines, as a result of that inspection, that the State home meets the standards described in such section.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1146, §641; Pub. L. 86-625, July 12, 1960, 74 Stat. 424; Pub. L. 87-819, §1, Oct. 15, 1962, 76 Stat. 935; Pub. L. 88-450, §3(a), Aug. 19, 1964, 78 Stat. 500; Pub. L. 90-432, §1, July 26, 1968, 82 Stat. 448; Pub. L. 91-178, §1, Dec. 30, 1969, 83 Stat. 836; Pub. L. 93-82, title IV, §403(a), Aug. 2, 1973, 87 Stat. 196; Pub. L. 94-417, §1(a), Sept. 21, 1976, 90 Stat. 1277; Pub. L. 94-581, title II, §202(o), Oct. 21, 1976, 90 Stat. 2856; Pub. L. 96-151, title I, §101(b)(1), Dec. 20, 1979, 93 Stat. 1092; Pub. L. 98-160, title I, §105(a), Nov. 21, 1983, 97 Stat. 998; Pub. L. 100-322, title I, §134(a), May 20, 1988, 102 Stat. 507; renumbered §1741 and amended Pub. L. 102-83, §§4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title IV, §406, Nov. 4, 1992, 106 Stat. 4954.)

PRIOR PROVISIONS

Prior sections 1740 and 1741 were renumbered sections 3540 and 3541 of this title, respectively.

AMENDMENTS

1992—Subsec. (e). Pub. L. 102-585 added subsec. (e).

1991—Pub. L. 102-83, §5(a), renumbered section 641 of this title as this section.

Subsec. (a). Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" in introductory provisions.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration" in concluding provisions.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "1710 and 1720" for "610 and 620".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted "1720(a)(2)(A)" for "620(a)(2)(A)".

Pub. L. 102-83, §4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 102-83, §4(a)(3), (4), substituted "Department" for "Veterans' Administration".

1988—Subsec. (a). Pub. L. 100-322, §134(a)(1), added cls. (1) and (2) and struck out former cls. (1) to (3) which read as follows:

"(1) \$7.30 for domiciliary care,

"(2) \$17.05 for nursing home care, and

"(3) \$15.25 for hospital care."

Subsec. (d). Pub. L. 100-322, §134(a)(2), added subsec. (d).

1983—Subsec. (a). Pub. L. 98-160, §105(a)(1), substituted "\$7.30" for "\$6.35" in par. (1), "\$17.05" for "\$12.10" in par. (2), and "\$15.25" for "\$13.25" in par. (3).

Subsec. (c). Pub. L. 98-160, §105(a)(2), added subsec. (c).

1979—Subsec. (a). Pub. L. 96-151 substituted "\$6.35" for "\$5.50", "\$12.10" for "\$10.50", and "\$13.25" for "\$11.50".

1976—Pub. L. 94-581 struck out "of any war or of service after January 31, 1955" after "for each veteran" in provisions following par. (3).

Pub. L. 94-417 designated existing provisions as subsec. (a), increased from \$4.50 to \$5.50 the per diem rate for domiciliary care, from \$6 to \$10.50 the per diem rate for nursing home care, and from \$10 to \$11.50 the per diem rate for hospital care, struck out "of any war or of service after January 31, 1955" after "for each veteran", "in the case of such a veteran receiving domiciliary or hospital care," after "if", and provisions relating to the case of a veteran receiving nursing home care, and added subsec. (b).

1973—Pub. L. 93-82 increased from \$3.50 to \$4.50 the per diem rate for domiciliary care, from \$5 to \$6 the per diem rate for nursing home care, and from \$7.50 to \$10 the per diem rate for hospital care, and substituted "veteran of any war or of service after January 31, 1955" for "veteran of any war".

1969—Pub. L. 91-178 increased from \$3.50 to \$7.50 the per diem payment for hospital care.

1968—Pub. L. 90-432 increased from \$2.50 to \$3.50 the per diem rate for hospital or domiciliary care and from \$3.50 to \$5.00 the per diem rate for nursing home care as the amounts the Administrator shall pay each State providing such services for veterans.

1964—Pub. L. 88-450 amended section generally and, among other changes, authorized payment at the per diem rate of \$3.50 for each veteran receiving nursing care in a State home, if such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirement in clause (B) of such paragraph (1) shall, for this purpose, refer to the inability to defray the expenses of necessary nursing home care, and eliminated provisions which permitted reduction of the amount payable to the State homes under certain conditions and prohibited payments to State homes where a bar or canteen is maintained therein where intoxicating liquors are sold.

1962—Subsec. (b). Pub. L. 87-819 provided that no reduction shall be made by the retention or collection by a State home of amounts from the estate of a deceased veteran if such amounts are placed in a post or other special fund for the benefit of the State home or its inhabitants in providing the benefits enumerated in clauses (A) to (C).

1960—Subsec. (a). Pub. L. 86-625 substituted "at the per diem rate of \$2.50 per diem for each veteran" for "at the annual rate of \$700.00 for each veteran".

EFFECTIVE DATE OF 1988 AMENDMENT

Section 134(b) of Pub. L. 100-322 provided that:

"(1) The amendment made by subsection (a)(1) [amending this section] shall take effect as of January 1, 1988.

"(2) The amendment made by subsection (a)(2) [amending this section] shall take effect on October 1, 1988."

EFFECTIVE DATE OF 1983 AMENDMENT

Section 105(b) of Pub. L. 98-160 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on April 1, 1984."

EFFECTIVE DATE OF 1979 AMENDMENT

Section 101(b)(2) of Pub. L. 96-151 provided that: "The amendments made by paragraph (1) [amending this section] shall take effect on January 1, 1980, but, with respect to fiscal year 1980, shall take effect only to such extent and in such amounts as may be specifically provided for such purpose in appropriation Acts."

EFFECTIVE DATE OF 1976 AMENDMENTS

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

Section 1(c) of Pub. L. 94-417 provided that:

"(1) The amendments made by subsection (a) of this section [amending this section] shall be effective on October 1, 1976.

"(2) At the time of the first payment to a State under section 641 [now 1741] of title 38, United States Code, as amended by subsection (a) of this section, the Administrator of Veterans' Affairs shall pay such State, in a lump sum, an amount equal to the difference between the total amount paid each such State under such section 641 [now 1741] for care provided by such State in a State home from January 1, 1976, to October 1, 1976, and the amount such State would have been paid for providing such care if the amendment made by subsection (a) of this section had been effective on January 1, 1976."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 3(c) of Pub. L. 88-450 provided that: "The amendment made by this section [amending this section] shall take effect on January 1, 1965; except that subsection (b) of section 641 [now 1741] of title 38, United States Code, as in effect immediately before such date, shall remain in effect with respect to any amounts retained or collected by any State home before such date."

PAYMENTS TO STATES FOR NURSING HOME CARE

Section 3(b) of Pub. L. 88-450 provided that: "No payment shall be made to any State home solely by reason of the amendment made by this section [amending this section] on account of nursing home care furnished any veteran except where such care is furnished the veteran by the State home for the first time after the effective date of this section [Jan. 1, 1965]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5503, 8122, 8126 of this title; title 42 section 1396r-8.

§ 1742. Inspections of such homes; restrictions on beneficiaries

(a) The Secretary may inspect any State home at such times as the Secretary deems necessary. No payment or grant may be made to any home under this subchapter unless such home is determined by the Secretary to meet such standards as the Secretary shall prescribe, which standards with respect to nursing home care shall be

no less stringent than those prescribed pursuant to section 1720(b) of this title.

(b) The Secretary may ascertain the number of persons on account of whom payments may be made under this subchapter on account of any State home, but shall have no authority over the management or control of any State home. (Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1146, § 642; Pub. L. 94–581, title I, § 107(a), title II, § 210(a)(16), Oct. 21, 1976, 90 Stat. 2847, 2863; renumbered § 1742 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1742 was renumbered section 3542 of this title.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 642 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted “1720(b)” for “620(b)”.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (b). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator”.

1976—Subsec. (a). Pub. L. 94–581 substituted “as the Administrator deems necessary” for “as he deems necessary” in existing provisions and inserted provision that no payment or grant may be made to any home under this subchapter unless such home is determined by the Administrator to meet such standards as the Administrator shall prescribe, which standards with respect to nursing home care shall be no less stringent than those prescribed pursuant to section 620(b) of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1741, 8153 of this title.

§ 1743. Applications

Payments on account of any veteran cared for in a State home shall be made under this subchapter only from the date the Secretary receives a request for determination of such veteran's eligibility; however, if such request is received by the Secretary within ten days after care of such veteran begins, payments shall be made on account of such veteran from the date care began.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1147, § 643; Pub. L. 97–251, § 7, Sept. 8, 1982, 96 Stat. 716; renumbered § 1743 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

PRIOR PROVISIONS

Prior section 1743 was renumbered section 3543 of this title.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 643 of this title as this section and substituted “Secretary” for “Administrator” in two places.

1982—Pub. L. 97–251 struck out “of any war” after “Payments on account of any veteran”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1741 of this title.

[§ 1744. Vacant]

CODIFICATION

Prior to renumbering of sections 601 to 664 of this chapter as sections 1701 to 1764 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 644 of this chapter, added Pub. L. 91–178, § 2(a), Dec. 30, 1969, 83 Stat. 836; amended Pub. L. 93–82, title IV, § 403(b), Aug. 2, 1973, 87 Stat. 196, which authorized appropriations to be used for making grants to States which had submitted and had approved applications for assistance in remodeling, modification, or alteration of existing hospital or domiciliary facilities in State homes providing care and treatment for veterans, was repealed by Pub. L. 95–62, §§ 2, 5, July 5, 1977, 91 Stat. 262, 263, effective Oct. 1, 1977, but with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under prior section 644 and with additional provision for the modification of the terms and conditions of both grants made under that section prior to Oct. 1, 1977, and of grants made under subchapter III of chapter 81 of this title prior to Oct. 1, 1977.

SUBCHAPTER VI—SICKLE CELL ANEMIA

§ 1751. Screening, counseling, and medical treatment

The Secretary is authorized to carry out a comprehensive program of providing sickle cell anemia screening, counseling, treatment, and information under the provisions of this chapter.

(Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 186, § 651; renumbered § 1751 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 651 of this title as this section and substituted “Secretary” for “Administrator”.

EFFECTIVE DATE

Subchapter effective Sept. 1, 1973, see section 501 of Pub. L. 93–82, set out as an Effective Date of 1973 Amendment note under section 1701 of this title.

§ 1752. Research

The Secretary is authorized to carry out research and research training in the diagnosis, treatment, and control of sickle cell anemia based upon the screening examinations and treatment provided under this subchapter.

(Added Pub. L. 93–82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 186, § 652; renumbered § 1752 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404–406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 652 of this title as this section and substituted “Secretary” for “Administrator”.

§ 1753. Voluntary participation; confidentiality

(a) The participation by any person in any program or portion thereof under this subchapter shall be wholly voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program under this title.

(b) Patient records prepared or obtained under this subchapter shall be held confidential in the

same manner and under the same conditions prescribed in section 7332 of this title.

(Added Pub. L. 93-82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 187, § 653; amended Pub. L. 94-581, title I, § 111(b), Oct. 21, 1976, 90 Stat. 2852; Pub. L. 102-40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 1753, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 653 of this title as this section.

Subsec. (b). Pub. L. 102-40 substituted “7332” for “4132”.

1976—Subsec. (b). Pub. L. 94-581 substituted “Patient records prepared or obtained under this subchapter shall be held confidential in the same manner and under the same conditions prescribed in section 4132 of this title” for “The Administrator shall promulgate rules and regulations to insure that all information and patient records prepared or obtained under this subchapter shall be held confidential except for (1) such information as the patient (or his guardian) requests in writing to be released or (2) statistical data compiled without reference to patient names or other identifying characteristics”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

§ 1754. Reports

The Secretary shall include in the annual report to the Congress required by section 529 of this title a comprehensive report on the administration of this subchapter, including such recommendations for additional legislation as the Secretary deems necessary.

(Added Pub. L. 93-82, title I, § 109(a), Aug. 2, 1973, 87 Stat. 187, § 654; renumbered § 1754 and amended Pub. L. 102-83, §§ 2(c)(3), 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 402, 404-406.)

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 654 of this title as this section.

Pub. L. 102-83, § 4(b)(1), (2)(E), substituted “Secretary” for “Administrator” in two places.

Pub. L. 102-83, § 2(c)(3), substituted “section 529” for “section 214”.

[SUBCHAPTER VII—REPEALED]

[§§ 1761 to 1764. Repealed. Pub. L. 102-585, title V, § 514(a), Nov. 4, 1992, 106 Stat. 4958]

Section 1761, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 661; amended Pub. L. 98-160, title I, § 106(b), Nov. 21, 1983, 97 Stat. 998; renumbered § 1761, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406, related to purpose of this subchapter, which established a preventive health-care services pilot program.

Prior section 1761 was renumbered section 3561 of this title.

Section 1762, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 662; renumbered § 1762 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-585, title V, § 513(a), Nov. 4, 1992, 106 Stat. 4958, defined the term “preventive health-care services” for purposes of this subchapter. Section 1762 of this title was transferred to section 1701(9) of this title by Pub. L. 102-585.

Prior section 1762 was renumbered section 3562 of this title.

Section 1763, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 52, § 663; amended Pub. L. 96-128, title V, § 501(d), Nov. 28, 1979, 93 Stat. 987; Pub. L. 98-160, title I, § 106(c), Nov. 21, 1983, 97 Stat. 998; Pub. L. 99-272, title XIX, § 1901(d)(6), Apr. 7, 1986, 100 Stat. 379; renumbered § 1763 and amended Pub. L. 102-83, §§ 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406, related to provision of preventive health-care services under this subchapter.

Prior section 1763 was renumbered section 3563 of this title.

Another prior section 1763, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201, provided for control by agencies of the United States, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3682 of this title.

Section 1764, added Pub. L. 96-22, title I, § 105(a), June 13, 1979, 93 Stat. 53, § 664; amended Pub. L. 98-160, title I, § 106(d), Nov. 21, 1983, 97 Stat. 999; renumbered § 1764 and amended Pub. L. 102-83, §§ 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406, directed Secretary to include comprehensive reports on administration of this subchapter in annual reports to Congress for fiscal years 1984 through 1988.

Prior section 1764, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201, provided for dismissal for conflict of interest, prior to repeal by Pub. L. 89-358, § 3(a)(3), 12(a), Mar. 3, 1966, 80 Stat. 20, 28, effective Mar. 3, 1966. See section 3683 of this title.

Prior section 1765 was renumbered section 3565 of this title.

Another prior section 1765, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, provided for reports by institutions, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3684 of this title.

Prior section 1766 was renumbered section 3566 of this title.

Another prior section 1766, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, related to overpayments to eligible persons, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20. See section 3685 of this title.

Prior section 1767, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, related to examination of records, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

Prior section 1768, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1202, related to false or misleading statements, prior to repeal by Pub. L. 89-358, § 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

Prior sections 1770 to 1777 were renumbered sections 3670 to 3677 of this title, respectively.

Another prior section 1777 was renumbered section 1778 of this title.

Prior section 1778 was renumbered section 3678 of this title.

Another prior section 1778 was renumbered section 1779 of this title.

Prior sections 1779 to 1786 were renumbered sections 3679 to 3686 of this title, respectively.

Another prior section 1786, added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the examination of records, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

Prior section 1787 was renumbered section 3687 of this title.

Another prior section 1787, added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, related to the submission of false or misleading statements by educational institutions, persons or veterans, prior to repeal by section 316(1) of Pub. L. 92-540. See section 3690 of this title.

Prior section 1788 was renumbered section 3688 of this title.

Another prior section 1788 was renumbered section 1792 of this title.

Prior section 1789 was renumbered section 3689 of this title.

Another prior section 1789, which required the Administrator not to approve of enrollments in courses in institutions listed by the Attorney General under section 12 of Ex. Ord. No. 10450, was renumbered section 1793 of this title.

Prior section 1790 was renumbered section 3690 of this title.

Another prior section 1790 was renumbered section 1794 of this title.

Prior section 1791 was renumbered section 3691 of this title.

Another prior section 1791 was renumbered section 1795 of this title.

Prior sections 1792 and 1793 were renumbered sections 3692 and 3693 of this title, respectively.

Another prior section 1793, added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23, §1789; amended Pub. L. 91-24, §15, June 11, 1969, 83 Stat. 35; renumbered and amended Pub. L. 92-540, title III, §316(2), title IV, §403(12), Oct. 24, 1972, 86 Stat. 1086, 1090, required that the Administrator not to approve of enrollment in any course in an institution listed by the Attorney General under section 12 of Executive Order 10450, prior to repeal by section 511(1) of Pub. L. 94-502.

Prior sections 1794 to 1799 were renumbered sections 3694 to 3699 of this title, respectively.

Prior sections 1801 to 1806 were renumbered sections 3701 to 3706 of this title, respectively.

Prior section 1807, added Pub. L. 94-324, §2(a), June 30, 1976, 90 Stat. 720; amended Pub. L. 97-72, title III, §303(d), Nov. 3, 1981, 95 Stat. 1060, related to service after July 25, 1947, and prior to June 27, 1950, prior to repeal by Pub. L. 100-322, title IV, §415(a)(4), May 20, 1988, 102 Stat. 550.

Prior sections 1810 to 1812 were renumbered sections 3710 to 3712 of this title, respectively.

Another prior section 1812, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1210, automatically guaranteed loans made to a veteran if made for the purpose of purchasing farms and farm equipment, prior to repeal by Pub. L. 93-569, §7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1813 was renumbered section 3713 of this title.

Another prior section 1813, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1211, automatically guaranteed loans made to a veteran if made for the purpose of purchasing business property, prior to repeal by Pub. L. 93-569, §7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1814 was renumbered section 3714 of this title.

Another prior section 1814, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1211, Pub. L. 86-665, §3, July 14, 1960, 74 Stat. 531; Pub. L. 87-84, §1(c), July 6, 1961, 75 Stat. 201, automatically guaranteed loans made to a veteran if made for the purpose of refinancing delinquent indebtedness, prior to repeal by Pub. L. 93-569, §7(a), Dec. 31, 1974, 88 Stat. 1866.

Prior section 1815 was renumbered section 1803(a)(2) of this title.

Prior section 1816 was renumbered sections 1832 and 1833 of this title.

Prior sections 1817 and 1817A were renumbered sections 1813 and 1814 of this title, respectively.

Prior section 1818, added Pub. L. 89-358, §5(a), Mar. 3, 1966, 80 Stat. 25; amended Pub. L. 91-506, §2(e), Oct. 23, 1970, 84 Stat. 1108; Pub. L. 93-569, §8(6), (7), Dec. 31, 1974, 88 Stat. 1866, 1867; Pub. L. 94-324, §4, June 30, 1976, 90 Stat. 720; Pub. L. 95-476, title I, §106(a), Oct. 18, 1978, 92 Stat. 1499; Pub. L. 97-72, title III, §303(g), Nov. 3, 1981, 95 Stat. 1060; Pub. L. 97-295, §4(66), Oct. 12, 1982, 96 Stat. 1310, related to service after Jan. 31, 1955, and prior to Aug. 5, 1964, or after May 7, 1975, prior to repeal by Pub. L. 100-322, title IV, §415(b)(3), May 20, 1988, 102 Stat. 551.

Prior section 1819 was renumbered section 1812 of this title.

Prior sections 1820 and 1821 were renumbered sections 3720 and 3721 of this title, respectively.

Prior section 1822, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1214; Pub. L. 89-358, §5(c), Mar. 3, 1966, 88 Stat. 26; Pub. L. 89-623, §1, Oct. 4, 1966, 80 Stat. 873; Pub. L. 90-301, §2(b), May 7, 1968, 82 Stat. 113, provided for bringing of an action in district court, by veteran or Attorney General, against one who knowingly participated in sale of property to a veteran for consideration in excess of reasonable value of property, prior to re-

peal by Pub. L. 93-569, §7(a), 10, Dec. 31, 1974, 88 Stat. 1866, 1867, effective Dec. 31, 1974.

Prior sections 1823 and 1824 were renumbered sections 3723 and 3724 of this title, respectively.

Another prior section 1824 was renumbered section 1825 of this title.

Prior sections 1825 to 1832 were renumbered sections 3725 to 3732 of this title, respectively.

Another prior section 1832 was renumbered section 1833(d) of this title.

Prior sections 1833 to 1835 and 1841 to 1851 were renumbered sections 3733 to 3735 and 3741 to 3751 of this title, respectively.

CHAPTER 19—INSURANCE

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